JOURNAL

OF THE

HOUSE OF DELEGATES

EIGHTY-FIRST

LEGISLATURE

OF

WEST VIRGINIA

VOLUME I

REGULAR SESSION, 2013

WEST VIRGINIA HOUSE OF DELEGATES

HONORABLE RICK THOMPSON

SPEAKER OF THE HOUSE

* *

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UNDER THE DIRECTION
OF

GREGORY M. GRAY

CLERK OF THE HOUSE

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MEMBERS OF THE HOUSE OF DELEGATES

REGULAR AND EXTRAORDINARY SESSIONS, 2013

OFFICERS

Speaker – Rick Thompson, Lavalette
Clerk – Gregory M. Gray, Charleston
Sergeant-at-Arms – George McClaskie, Charleston
Doorkeeper – Tom Hively, Chesapeake

District	Name	Address	Legislative Service
First	Ronnie D. Jones (D)	Weirton	80th - 81st
	Randy Swartzmiller (D)	New Cumberland	75th - 81st
Second	Phillip W. Diserio (D)	Follansbee	Appt. 1/23/12, 80th; 81st
Third	Ryan Ferns (D)	Wheeling	80th - 81st
	Erikka Storch (R)	Wheeling	80th - 81st
Fourth	David E. Evans (R)	Moundsville	81st
	Michael T. Ferro (D)	McMechen	79th - 81st
Fifth	Dave Pethtel (D)	Hundred	69th - 71st; 74th - 81st
Sixth	William Roger Romine (R)	Sistersville	75th - 81st
Seventh	Lynwood "Woody" Ireland (R)	Pullman	78th - 81st
Eighth	W. "Bill" Anderson, Jr. (R)	Williamstown	71st - 81st
Ninth	Anna, Border Sheppard (R)	Davisville	Appt. 6/21/11, 80th; 81st
Tenth	Tom Azinger (R)	Vienna	72nd - 81st
	John Ellem (R)	Parkersburg	75th - 81st
	Daniel Poling (D)	Parkersburg	78th - 81st
Eleventh	Bob Ashley (R)	Spencer	67th - 73rd; 75th - 81st
Twelfth	Steve Westfall (R)	Ripley	81st
Thirteenth	Scott Cadle (R)	Letart	81st
	Brady Paxton (D)	Liberty	71st; Appt. 4/22/99, 74th; 75th-81st
Fourteenth	Jim Butler (R)	Henderson	81st
Fifteenth	Troy Andes (R)	Hurricane	78th - 81st
Sixteenth	Kevin J. Craig (D)	Huntington	75th - 81st
	Carol Miller (R)	Huntington	78th - 81st
	Jim Morgan (D)	Huntington	69th- 70th; Appt. 2/23/01, 75th; 76th - 81st
Seventeenth	Doug Reynolds (D)	Huntington	78th - 81st
	Dale Stephens (D)	Huntington	75th; 77th - 81st
Eighteenth	Kelli Sobonya (R)	Huntington	76th - 81st
Nineteenth	Don C. Perdue (D)	Prichard	74th - 81st
	Rick Thompson (D)	Lavalette	65th, Resigned 6/81; 76th - 81st
Twentieth	Justin J. Marcum (D)	Williamson	Appt. 1/18/12, 80th; 81st
Twenty-first	Harry Keith White (D)	Gilbert	Appt. 9/11/92, 70th; 71st - 81st
Twenty-second	Jeff Eldridge (D)	Alum Creek	77th - 79th; 81st
	Josh Stowers (D)	Alum Creek	79th - 81st
Twenty-third	Joshua Nelson (R)	Danville	81st
Twenty-fourth	Rupert Phillips, Jr. (D)	Lorado	80th - 81st
	Teddy "Ted" Tomblin (D)	Logan	81st

MEMBERS OF THE HOUSE OF DELEGATES - Continued

District	Name	Address	Legislative Service
Twenty-fifth. . .	Linda Goode Phillips (D).	Pineville.	79th - 81st
Twenty-sixth. . .	Clif Moore (D).	Thorpe.	77th - 81st
Twenty-seventh.	Joe Ellington (R).	Princeton.	80th - 81st
	Marty Gearheart (R).	Bluefield.	80th - 81st
	John H. Shott (R).	Bluefield.	79th, Resigned 5/ /10; 81st
Twenty-eighth. .	Roy G. Cooper (R).	Wayside.	81st
	John D. O'Neal, IV (R).	Beckley.	80th - 81st
Twenty-ninth. . .	Ricky Moye (D).	Crab Orchard.	78th - 81st
Thirtieth.	Linda Sumner (R).	Beckley.	76th - 81st
Thirty-first. . . .	Lynne Carden Arvon (R).	Beckley.	81st
Thirty-second. .	David G. Perry (D).	Oak Hill.	75th - 81st
	John Pino (D).	Oak Hill.	67th; 71st - 78th; 80th - 81st
	Margaret Anne Staggers (D).	Fayetteville.	78th - 81st
Thirty-third. . . .	David A. Walker (D).	Clendenin.	79th - 81st
Thirty-fourth. . .	Brent Boggs (D).	Gassaway.	73rd - 81st
Thirty-fifth. . . .	John B. McCuskey (R).	Charleston.	81st
	Eric Nelson (R).	Charleston.	80th - 81st
	Suzette Raines (R).	St. Albans.	81st
	Doug Skaff, Jr. (D).	South Charleston. .	79th - 81st
Thirty-sixth. . . .	Nancy Peoples Guthrie (D).	Charleston.	78th - 81st
	Mark Hunt (D).	Charleston.	72nd - 74th; 77th - 81st
	Danny Wells (D).	Charleston.	77th - 81st
Thirty-seventh. .	Meshea L. Poore (D).	Charleston.	Appt. 12/18/09, 79th; 80th - 81st
Thirty-eighth. . .	Patrick Lane (R).	Cross Lanes.	77th - 81st
Thirty-ninth. . . .	Ron Walters (R).	Charleston.	71st - 73rd; 75th - 81st
Fortieth.	Tim Armstead (R).	Elkview.	Appt. 9/5/98, 73rd; 74th - 81st
Forty-first.	Adam R. Young (D).	Summersville.	81st
Forty-second. . .	George "Boogie" Ambler (R).	Fort Springs.	81st
	Ray Canterbury (R).	Ronceverte.	75th - 81st
Forty-third.	Denise L. Campbell (D)	Elkins.	80th - 81st
	William G. Hartman (D)	Elkins.	76th - 81st
Forty-fourth. . . .	Dana L. Lynch (D).	Webster Springs. . .	81st
Forty-fifth.	Bill Hamilton (R).	Buckhannon.	76th - 81st
Forty-sixth. . . .	Peggy Donaldson Smith (D).	Weston.	79th - 81st
Forty-seventh. .	Mary M. Poling (D).	Moatsville.	75th - 81st
Forty-eighth. . .	Ron Fragale (D).	Clarksburg.	Appt. 2/1/13, 81st; 70th -73rd; 75th-80th
	Danny Hamrick (R).	Clarksburg.	81st
	Richard J. Iaquinta (D).	Clarksburg.	76th - 81st
	Tim Miley (D).	Bridgeport.	77th - 81st
Forty-ninth. . . .	Mike Manypenny (D).	Grafton.	79th - 81st
Fiftieth.	Michael Caputo (D).	Fairmont.	73rd - 81st
	Linda Longstreth (D).	Fairmont.	77th - 81st
	Tim Manchin (D).	Fairmont.	76th - 81st
Fifty-first.	Anthony Barill (D).	Morgantown.	80th - 81st
	Barbara Evans Fleischauer (D). . . .	Morgantown.	72nd - 75th; 78th - 81st
	Cindy Frich (R).	Morgantown.	76th - 77th; 81st
	Charlene Marshall (D).	Morgantown.	74th - 80th
	Amanda Pasdon (R).	Morgantown.	80th - 81st

MEMBERS OF THE HOUSE OF DELEGATES - Continued

District	Name	Address	Legislative Service
Fifty-second	Larry A. Williams (D)	Tunnelton	Appt. 10/8/93,71st; 72nd - 81st
Fifty-third	Randy E. Smith (R)	Terra Alta	81st
Fifty-fourth	Allen V. Evans (R)	Dorcas	70th - 81st
Fifty-fifth	Isaac Sponaugle (D)	Franklin	81st
Fifty-sixth	Gary G. Howell (R)	Keyser	80th - 81st
Fifty-seventh	Ruth Rowan (R)	Points	77th - 81st
Fifty-eighth	Daryl E. Cowles (R)	Berkeley Springs	78th - 81st
Fifty-ninth	Larry D. Kump (R)	Falling Waters	80th - 81st
Sixtieth	Larry W. Faircloth (R)	Inwood	81st
Sixty-first	Jason Barrett (D)	Martinsburg	81st
Sixty-second	John Overington (R)	Martinsburg	67th - 81st
Sixty-third	Michael "Mike" Folk (R)	Martinsburg	81st
Sixty-fourth	Eric L. Householder (R)	Martinsburg	80th - 81st
Sixty-fifth	Tiffany E. Lawrence (D)	Charles Town	79th - 81st
Sixty-sixth	Paul Espinosa (R)	Charles Town	81st
Sixty-seventh	Stephen Skinner (D)	Shepherdstown	81st

(D) Democrats – 54
(R) Republicans – 46
Total – 100

MEMBERS OF THE SENATE

REGULAR AND EXTRAORDINARY SESSIONS, 2013

OFFICERS

President – Jeffrey V. Kessler, Glen Dale
Clerk – Joseph M. Minard, Clarksburg
Sergeant-at-Arms – Howard Wellman, Bluefield
Doorkeeper – Anthony Gallo, Charleston

District	Name	Address	Legislative Service
First	[1]Robert J. Fitzsimmons (D)	Wheeling	Appt. 12/26/12, 81st
	Jack Yost (D)	Wellsburg	(House 76th - 78th); 79th - 81st
Second	Larry J. Edgell (D)	New Martinsburg	74th - 81st
	Jeffrey V. Kessler (D)	Glen Dale	Appt. 11/1997,73rd; 74th - 81st
Third	Donna J. Boley (R)	St. Marys	Appt. 5/14/85, 67th; 68th - 81st
	David C. Nohe (R)	Vienna	80th - 81st
Fourth	Mitch B. Carmichael (R)	Ripley	(House 75th - 80th); 81st
	Mike Hall (R)	Winfield	(House 72nd - 74th); 78th - 81st
Fifth	Evan H. Jenkins (D)	Huntington	76th - 81st
	Robert H. Plymale (D)	Ceredo	71st - 81st
Sixth	H. Truman Chafin (D)	Williamson	66th - 81st
	Bill Cole (R)	Bluefield	(House Appt. 5/28/10, 79th); 81st
Seventh	Art Kirkendoll (D)	Chapmanville	Appt. 11/14/11, 80th; 81st
	Ron Stollings (D)	Madison	78th - 81st
Eighth	Chris Walters (R)	Poca	81st
	Erik P. Wells (D)	Charleston	78th - 81st
Ninth	Mike Green (D)	Daniels	78th - 81st
	Daniel Hall (D)	Oceana	(House 79th - 80th); 81st
Tenth	William Laird IV (D)	Oak Hill	(House 73rd - 75th); 79th - 81st
	Ronald F. Miller (D)	Lewisburg	80th - 81st
Eleventh	Clark Barnes (R)	Randolph	77th - 81st
	Gregory A. Tucker (D)	Summersville	80th - 81st
Twelfth	[2]Samuel J. Cann (D)	Bridgeport	(House 72nd - 80th) Appt. 1/16/13, 81st
	Douglas Facemire (D)	Sutton	79th - 81st
Thirteenth	Robert D. Beach (D)	Morgantown	(House, Appt. 5/98, 73rd; 74th-79th); 80th - 81st
	Roman W. Prezioso, Jr. (D)	Fairmont	(House 69th - 72nd);73rd -81st
Fourteenth	Dave Sypolt (R)	Kingwood	78th - 81st
	Bob Williams (D)	Grafton	79th - 81st
Fifteenth	Craig P. Blair (R)	Martinsburg	(House 76th - 79th); 81st
	[3]Donald H. Cookman (D)	Romney	Appt. 1/23/13, 81st
Sixteenth	Herb Snyder (D)	Shenandoah Junction	73rd - 76th; 79th - 81st
	John R. Unger II (D)	Martinsburg	74th - 81st
Seventeenth	Brooks F. McCabe, Jr. (D)	Charleston	74th - 81st
	Corey Palumbo	Charleston	(House 76th - 78th); 79th - 81st

[1] Appointed December 26, 2012, to unexpired term of Orphy Klempa, who resigned December 10, 2012.
[2] Appointed January 16, 2013, to unexpired term of Joseph M. Minard, who resigned January 9, 2013.
[3] Appointed January 23, 2013, to unexpired term of Walt Helmick, who resigned January 14, 2013.

(D) Democrats – 25
(R) Republicans – 9
Total – 34

COMMITTEES OF THE HOUSE OF DELEGATES
Regular Session, 2013

STANDING

AGRICULTURE

Walker *(Chair)*, Manypenny *(Vice Chair)*, Boggs, Diserio, Eldridge, Guthrie, Paxton, L. Phillips, M. Poling, Sponaugle, Swartzmiller, Wells, Williams, A. Evans *(Minority Chair)*, Canterbury *(Minority Vice Chair)*, Ambler, Anderson, Border, Folk, Hamilton, Ireland, Miller, Overington and Romine.

BANKING AND INSURANCE

Moore *(Chair of Banking)*, Ferns *(Vice Chair of Banking)*, Guthrie *(Chair of Insurance)*, Hartman *(Vice Chair of Insurance)*, Barrett, Hunt, Iaquinta, Manchin, Morgan, Perry, R. Phillips, Reynolds, Tomblin, Azinger *(Minority Chair of Banking)*, E. Nelson *(Minority Vice Chair of Banking)*, Ashley *(Minority Chair of Insurance)*, Walters *(Minority Vice Chair of Insurance)*, Andes, Frich, McCuskey, O'Neal, Pasdon, Shott and Westfall.

CONSTITUTIONAL REVISION

Fleischauer *(Chair)*, Ferro *(Vice Chair)*, Caputo, Fragale, Guthrie, Hunt, Lawrence, Manchin, Marshall, Moore, Morgan, Poore, Reynolds, Skinner, Overington *(Minority Chair)*, Romine *(Minority Vice Chair)*, Anderson, Andes, Armstead, Ellem, Householder, Kump, Lane, J. Nelson and O'Neal.

EDUCATION

M. Poling *(Chair)*, Stowers *(Vice Chair)*, Barill, Barrett, Campbell, Fragale, Lawrence, Perry, Pethtel, Tomblin, Walker, Williams, Young, Pasdon *(Minority Chair)*, Sumner *(Minority Vice Chair)*, Ambler, Butler, Cooper, Espinosa, D. Evans, Hamrick, Raines, Rowan and Westfall.

ENERGY, INDUSTRY AND LABOR, ECONOMIC DEVELOPMENT AND SMALL BUSINESS

D. Poling *(Chair of Energy, Industry and Labor)*, Diserio *(Vice Chair of Energy, Industry and Labor)*, Skaff *(Chair of Economic Development and Small Business)*, Campbell *(Vice Chair of Economic Development and Small Business)*, Barrett, Caputo, Fleischauer, Manypenny, Marshall, R. Phillips, Poore, Skinner, Walker, Young, Sobonya *(Minority Chair of Energy, Industry and Labor)*, Miller *(Minority Vice Chair of Energy, Industry and Labor)*, Andes *(Minority Chair of Economic Development and Small Business)*, Ellington *(Minority Vice Chair of Economic Development and Small Business)*, Arvon, Faircloth, Frich, J. Nelson, Raines, R. Smith and Storch.

FINANCE

White *(Chair)*, Reynolds *(Vice Chair)*, Craig, Guthrie, Iaquinta, Marshall, Moye, Perdue, Pethtel, L. Phillips, R. Phillips, D. Poling, Skaff, Williams, Anderson *(Minority Chair)*, E. Nelson *(Minority Vice Chair)*, Andes, Ashley, Canterbury, Cowles. A. Evans, Gearheart, Miller, Storch and Walters

GOVERNMENT ORGANIZATION

Morgan *(Chair)*, Stephens *(Vice Chair)*, Caputo, Diserio, Eldridge, Ferns, Hartman, Jones, Lynch, Paxton, P. Smith, Staggers, Swartzmiller, Howell *(Minority Chair)*, Border *(Minority Vice Chair)*, Arvon, Azinger, Cadle, Faircloth, Folk, Kump, J. Nelson, Romine and R. Smith.

HEALTH AND HUMAN RESOURCES

Perdue *(Chair)*, Perry *(Vice Chair)*, Campbell, Diserio, Eldridge, Ferns, Fleischauer, Lawrence, Marshall, Moore, Moye, Poore, Staggers, Ellington *(Minority Chair)*, Householder *(Minority Vice Chair)*, Arvon, Border, Cowles, Faircloth, Lane, Miller, Pasdon, Rowan and Sobonya.

JUDICIARY

Miley *(Chair)*, Manchin *(Vice Chair)*, Ferro, Fleischauer, Hunt, Longstreth, Manypenny, Marcum, Moore, Pino, Poore, Skinner, Sponaugle, Wells, Ellem *(Minority Chair)*, Lane *(Minority Vice Chair)*, Frich, Hamilton, Householder, Ireland, McCuskey, O'Neal, Overington, Shott and Sobonya.

NATURAL RESOURCES

Craig *(Chair)*, Pino *(Vice Chair)*, Eldridge, Guthrie, Jones, Manypenny, Moore, Moye, L. Phillips, R. Phillips, Sponaugle, Swartzmiller, Tomblin, Wells, Hamilton *(Minority Chair)*, Ireland *(Minority Vice Chair)*, Anderson, Butler, Canterbury, Ellem, A. Evans, Romine, Shott, R. Smith and Walters.

PENSIONS AND RETIREMENT

Pethtel *(Chair)*, Jones *(Vice Chair)*, Craig, Lynch, Stowers, Canterbury and Kump.

POLITICAL SUBDIVISIONS

Hunt *(Chair)*, Lawrence *(Vice Chair)*, Barill, Ferns, Fragale, Hartman, Jones, Marcum, Morgan, Moye, Perry, Sponaugle, Williams, Sumner *(Minority Chair)*, Cowles *(Minority Vice Chair)*, Cooper, Espinosa, Folk, Gearheart, Hamilton, Hamrick, Lane, McCuskey and Pasdon

ROADS AND TRANSPORTATION

Staggers *(Chair)*, L. Phillips *(Vice Chair)*, Barill, Boggs, Longstreth, Lynch, Marcum, D. Poling, Skaff, P. Smith, Stephens, Stowers, Walker, Wells, Cowles *(Minority Chair)*, Gearheart *(Minority Vice Chair)*, Ambler, Butler, Cadle, Ellington, Espinosa, D. Evans, Hamrick, Howell and Shott.

RULES

Thompson *(Chair)*, Boggs, Caputo, Marshall, Miley, Morgan, Paxton, M. Poling, Swartzmiller, White, Anderson, Armstead, Ashley, Cowles, Lane, Overington, Sobonya and Sumner.

SENIOR CITIZEN ISSUES

Williams *(Chair)*, Moye *(Vice Chair)*, Campbell, Ferro, Manypenny, Marshall, Moore, Perdue, Perry, Pethtel, Pino, Stephens, Young, Rowan *(Minority Chair)*, O'Neal *(Minority Vice Chair)*, Arvon, Ashley, Border, Faircloth, Householder, Raines, R. Smith, Sobonya, Sumner and Westfall.

VETERANS' AFFAIRS AND HOMELAND SECURITY

Iaquinta *(Chair of Veterans' Affairs)*, Longstreth *(Vice Chair of Veterans' Affairs)*, Paxton *(Chair of Homeland Security)*, Eldridge *(Vice Chair of Homeland Security)*, Barill, Campbell, Ferro, Fleischauer, Jones, Pethtel, P. Smith, Staggers, Stephens, Azinger *(Minority Chair of Veterans' Affairs)*, Rowan *(Minority Vice Chair Veterans' Affairs)*, Ashley *(Minority Chair Homeland Security)*, Storch *(Minority Vice Chair of Homeland Security)*, Armstead, Cadle, Cooper, D. Evans, Howell, Ireland, E. Nelson and J. Nelson.

ENROLLED BILLS

Wells *(Chair)*, Barill *(Vice Chair)*, Ferro and Overington.

COMMITTEES OF THE SENATE
Regular Session, 2013

STANDING

AGRICULTURE AND RURAL DEVELOPMENT

Miller *(Chair)*, Williams (*Vice Chair*), Beach, Cann, Cookman, D. Hall, Laird, Tucker, Carmichael, Nohe and Sypolt.

BANKING AND INSURANCE

Tucker (*Chair*), Fitzsimmons (*Vice Chair*), Chafin, Facemire, Green, D. Hall, Jenkins, McCabe, Palumbo, Prezioso, M. Hall, Nohe and Walters.

CONFIRMATIONS

Green (*Chair*), Facemire (*Vice Chair*), Chafin, Miller, Plymale, Snyder, Yost, Cole and Sypolt.

ECONOMIC DEVELOPMENT

Williams (*Chair*), Cann (*Vice Chair*), Beach, Cookman, Kirkendoll, McCabe, Prezioso, Snyder, Stollings, Wells, Barnes, Blair, Sypolt and Walters.

EDUCATION

Plymale (*Chair*), Wells (*Vice Chair*), Beach, Chafin, Edgell, D. Hall, Laird, Stollings, Tucker, Unger, Barnes, Boley, Carmichael and Cole.

ENERGY, INDUSTRY AND MINING

Facemire (*Chair*), Kirkendoll (*Vice Chair*), Beach, Cann, Green, Jenkins, Plymale, Snyder, Stollings, Yost, Barnes, Nohe and Sypolt.

ENROLLED BILLS

Cookman (*Chair*), Edgell, Fitzsimmons, Palumbo and Cole.

FINANCE

Prezioso (*Chair*), Facemire (*Vice Chair*), Chafin, Edgell, Green, Laird, McCabe, Plymale, Stollings, Unger, Wells, Yost, Barnes, Blair, Boley, M. Hall and Sypolt.

GOVERNMENT ORGANIZATION

Snyder (*Chair*), Miller (*Vice Chair*), Cann, Cookman, Fitzsimmons, Green, Jenkins, Kirkendoll, Williams, Yost, Blair, Boley, Cole and Sypolt.

HEALTH AND HUMAN RESOURCES

Stollings (*Chair*), Jenkins (*Vice Chair*), Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Tucker, Yost, Boley, M. Hall and Walters.

INTERSTATE COOPERATION

Kirkendoll (*Chair*), Cookman (*Vice Chair*), D. Hall, Palumbo, Wells, Blair and Nohe.

JUDICIARY

Palumbo (*Chair*), Tucker (*Vice Chair*), Beach, Cann, Cookman, Fitzsimmons, D. Hall, Jenkins, Kirkendoll, Miller, Snyder, Unger, Williams, Carmichael, Cole, Nohe and Walters.

LABOR

Yost (*Chair*), D. Hall (*Vice Chair*), Chafin, Facemire, Fitzsimmons, McCabe, Miller, Wells, Barnes, Blair and Walters.

MILITARY

Wells (*Chair*), Yost (*Vice Chair*), Edgell, Fitzsimmons, Jenkins, Laird, Tucker, Boley and Carmichael.

NATURAL RESOURCES

Laird (*Chair*), Edgell (*Vice Chair*), Beach, Cookman, Facemire, Green, McCabe, Prezioso, Snyder, Williams, M. Hall, Nohe and Walters.

PENSIONS

Jenkins (*Chair*), McCabe (*Vice Chair*), Cann, Chafin, Edgell, Carmichael and M. Hall.

RULES

Kessler (*Chair*), Edgell, Palumbo, Plymale, Prezioso, Snyder, Stollings, Unger, Barnes, Boley and M. Hall.

TRANSPORTATION AND INFRASTRUCTURE

Beach (*Chair*), Kirkendoll (*Vice Chair*), Facemire, Fitzsimmons, McCabe, Plymale, Williams, Barnes and Cole.

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HOUSE EXTRAORDINARY SESSION

1st Day. . . . . Tuesday. . . . . June 18. 3311

West Virginia Legislature

JOURNAL

of the

HOUSE of DELEGATES

Eighty-First Legislature

First Regular Session

Charleston, Wednesday, January 9, 2013

This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members-elect of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston and, at 12 o'clock meridian, were called to order by the Clerk of the last House of Delegates, the Honorable Gregory M. Gray.

The Clerk announced that the Honorable John Overington, the Delegate-elect from the 62nd Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate-elect Overington then assumed the Chair.

Prayer was offered by the Honorable Clif Moore, the Delegate-elect from the 26th Delegate District.

The House of Delegates was then led in recitation of the Pledge of Allegiance by the Honorable Charlene Marshall, a Delegate-elect from the 51st District.

The Clerk then called the roll **(Quorum Call)**, and the following answered to their names:

Ambler	Evans, A.	Manypenny	Reynolds
Anderson	Evans, D.	Marcum	Romine
Andes	Faircloth	Marshall	Rowan
Armstead	Ferns	McCuskey	Shott
Arvon	Ferro	Miley	Skaff
Ashley	Fleischauer	Miller	Skinner
Azinger	Folk	Moore	Smith, P.
Barill	Frich	Morgan	Smith, R.
Barrett	Gearheart	Moye	Sobonya
Boggs	Guthrie	Nelson, E.	Sponaugle
Border	Hamilton	Nelson, J.	Staggers
Butler	Hamrick	O'Neal	Stephens
Cadle	Hartman	Overington	Storch
Campbell	Householder	Pasdon	Stowers
Cann	Howell	Paxton	Sumner
Canterbury	Hunt	Perdue	Swartzmiller
Caputo	Iaquinta	Perry	Thompson
Cooper	Ireland	Pethtel	Tomblin
Cowles	Jones	Phillips, L.	Walker
Craig	Kump	Phillips, R.	Walters
Diserio	Lane	Pino	Wells
Eldridge	Lawrence	Poling, D.	Westfall
Ellem	Longstreth	Poling, M.	White
Ellington	Lynch	Poore	Williams
Espinosa	Manchin	Raines	Young

The roll call disclosing that 100 Delegates-elect had answered to their names, the Presiding Officer declared the presence of a quorum.

All the Delegates-elect present then qualified by taking and subscribing to the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Menis Ketchum, Justice of the Supreme Court of Appeals.

A communication from the Honorable Natalie Tennant, Secretary of State, was received and laid before the House, containing the official returns of the election held on the 6th day of November, 2012, covering the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

DELEGATES ELECTED

The names of those whose credentials showed they were regularly elected members of the House of Delegates of the Eighty-first Legislature in accordance with the laws of West Virginia were as follows:

FIRST DISTRICT

Ronnie D. Jones

Randy Swartzmiller

SECOND DISTRICT

Phillip W. Diserio

THIRD DISTRICT

Ryan Ferns

Erikka Storch

FOURTH DISTRICT

David A. Evans

Michael T. Ferro

FIFTH DISTRICT

Dave Pethtel

SIXTH DISTRICT

William Roger Romine

SEVENTH DISTRICT

Lynwood Ireland

EIGHTH DISTRICT

E. W. "Bill" Anderson, Jr.

NINTH DISTRICT

Anna Border

TENTH DISTRICT

Tom Azinger

John N. Ellem

Daniel Poling

ELEVENTH DISTRICT

Bob Ashley

TWELFTH DISTRICT

Steve Westfall

THIRTEENTH DISTRICT

Scott Cadle

Brady R. Paxton

FOURTEENTH DISTRICT

Jim Butler

FIFTEENTH DISTRICT

Troy Andes

SIXTEENTH DISTRICT

Kevin J. Craig

Carol Miller

Jim Morgan

SEVENTEENTH DISTRICT

Doug Reynolds

Dale Stephens

EIGHTEENTH DISTRICT

Kelli Sobonya

NINETEENTH DISTRICT

Don Perdue

Rick Thompson

TWENTIETH DISTRICT

Justin J. Marcum

TWENTY-FIRST DISTRICT

Harry Keith White

TWENTY-SECOND DISTRICT

Jeff Eldridge

Josh Stowers

TWENTY-THIRD DISTRICT

Joshua Nelson

TWENTY-FOURTH DISTRICT

Rupert "Rupie" Phillips

Teddy "Ted" Tomblin

TWENTY-FIFTH DISTRICT

Linda Goode Phillips

TWENTY-SIXTH DISTRICT

Clif Moore

TWENTY-SEVENTH DISTRICT

Joe Ellington

Marty Gearheart

John Shott

TWENTY-EIGHTH DISTRICT

Roy G. Cooper

John D. O'Neal

TWENTY-NINTH DISTRICT

Ricky Moye

THIRTIETH DISTRICT

Linda Sumner

THIRTY-FIRST DISTRICT

Karen "Lynn" Arvon

THIRTY-SECOND DISTRICT

Dave Perry

John Pino

Margaret Anne Staggers

THIRTY-THIRD DISTRICT

David A. Walker

THIRTY-FOURTH DISTRICT

Brent Boggs

THIRTY-FIFTH DISTRICT

John B. McCuskey

Eric Nelson

Suzette Raines

Doug Skaff

THIRTY-SIXTH DISTRICT

Nancy Peoples Guthrie

Mark Hunt

Danny Wells

THIRTY-SEVENTH DISTRICT

Meshea L. Poore

THIRTY-EIGHTH DISTRICT

Patrick Lane

THIRTY-NINTH DISTRICT

Ron Walters

FORTIETH DISTRICT

Tim Armstead

FORTY-FIRST DISTRICT

Adam R. Young

FORTY-SECOND DISTRICT

George "Boogie" Ambler

Ray Canterbury

FORTY-THIRD DISTRICT

Denise L. Campbell

Bill Hartman

FORTY-FOURTH DISTRICT

Dana L. Lynch

FORTY-FIFTH DISTRICT

Bill Hamilton

FORTY-SIXTH DISTRICT

Peggy Donaldson Smith

FORTY-SEVENTH DISTRICT

Mary M. Poling

FORTY-EIGHTH DISTRICT

Samuel J. "Sam" Cann

Danny Hamrick

Richard Iaquinta

Tim Miley

FORTY-NINTH DISTRICT

Mike Manypenny

FIFTIETH DISTRICT

Mike Caputo

Linda Longstreth

Tim Manchin

FIFTY-FIRST DISTRICT

Anthony P. "Tony" Barill

Barbara Evans Fleischauer

Cindy Frich

Charlene Marshall

Amanda Pasdon

FIFTY-SECOND DISTRICT

Larry A. Williams

FIFTY-THIRD DISTRICT

Randy E. Smith

FIFTY-FOURTH DISTRICT

Allen V. Evans

FIFTY-FIFTH DISTRICT

Isaac Sponaugle

FIFTY-SIXTH DISTRICT

Gary G. Howell

FIFTY-SEVENTH DISTRICT

Ruth Rowan

FIFTY-EIGHTH DISTRICT

Daryl E. Cowles

FIFTY-NINTH DISTRICT

Larry D. Kump

SIXTIETH DISTRICT

Larry E. Faircloth

SIXTY-FIRST DISTRICT

Jason Barrett

SIXTY-SECOND DISTRICT

John Overington

SIXTY-THIRD DISTRICT

Michael "Mike" Fold

SIXTY-FOURTH DISTRICT

Eric L. Householder

SIXTY-FIFTH DISTRICT

Tiffany Lawrence

SIXTY-SIXTH DISTRICT

Paul Espinosa

SIXTY-SEVENTH DISTRICT

Stephen Skinner

In the absence of objection, the returns of the election of Delegates as presented by the Secretary of State were accepted and filed with the Clerk of the House.

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ELECTION OF SPEAKER

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the

Eighty-first Legislature and stated that nominations were now in order.

MAJORITY NOMINATION

Delegate Pethtel, the Delegate from the 5th Delegate District, nominated the Honorable Rick Thompson from the 19th Delegate District, as follows:

DELEGATE PETHTEL. Thank you, Mr. Chairman.

Fellow Delegates-elect of the 81st Legislature, each of us has the good fortune of being here, a Member of this House of Delegates by virtue of our election as a representative of the people. The West Virginia Constitution mandates that the Senate shall choose from its own body, a President, and the House of Delegates from its own body, a Speaker. Therefore, one of our first responsibilities as elected representatives of the people is to come together as we do now to begin the process of organizing ourselves in an elective body. I feel so honored and privileged as I stand before you today to place into nomination for the constitutional office of Speaker of the House. The name of our friend, our colleague, and our leader for the past six years, Rick Thompson.

I can think of no one better trained, equipped, and prepared to lead us through the 81st Legislature than Rick Thompson. Rick has ably and honorably led us through difficult times, not with an iron fist but with the quiet dignity that respects, encourages, and celebrates the respective and diverse talents of everyone so honored to be a member of this body. He has said on more than one occasion the House of Delegates is not Rick Thompson's House. It is first, foremost, and always, the people's House.

Rick works hard to get consensus on contentious issues. He realizes the reality that as leaders conducting the important business of the people we can not allow our hearts to overrule our heads. We must act intelligently, methodically, and logically to solve the problems that are faced by our communities and our State. Speaker Thompson has had many major accomplishments during his tenure as Speaker. A few that come to mind are:

H. B. 2464, the Ethics Bill, that the House passed unanimously to strengthen ethics requirement for public officials. At the outset of the 2011 Session he said the measure was a top priority and our House members agreed, sending that bill to the Senate in the first week. The House stood by each major provision of the ethics bill, and the result is a strong law;

OPEB. He spear-headed through a hard fight for this bill in the first weeks of the 2011 Session to retire the long-term unfunded liability of other post employment benefits which is very important to the financial well being of both state government and local school boards;

Marcellus Shale. Some of the most promising prospects for job creation surround the growing Marcellus Shale extraction industry, and the businesses that are likely to build around such operations.

That is why the Speaker advocated holding a special session dedicated exclusively to creating a regulatory framework for the industry that encourages its development while providing protection for residents, the environment, and workers. He worked hard to facilitate an agreement among all interested parties. I found out personally that if you treat Speaker Thompson with dignity and respect, he will treat you the same way in return and work with you. I've had the good fortune of being elected eleven times by the people of the 5th Delegate District. Today I begin my twenty-first year in the House of Delegates. I've served under the leadership of Speaker Chuck Chambers, Speaker Bob Kiss, and Speaker Rick Thompson. Anyone who has followed my legislative career will tell you that on nearly every occasion I have voted with the Democratic leadership. I have found that it has served me and my constituents well. I can honestly say that Speaker Thompson has never turned me down when I asked for help for my constituents in the 5th Delegate District.

I haven't had many private conversations with Speaker Thompson, but there is one that I distinctively remember in 2008. The issue was a Rules bill relating to the requirements governing water standards. This was a very contentious issue and had been discussed in the Legislature for years. I was

called into the Speaker's office and Rick asked me how I was going to vote on the bill. I told him I didn't know at that point and time. It was what he said next that really impressed me. He said for me to do whatever I needed to do on the bill and he would respect my decision; however, he also said in a calm voice that he had worked very hard in trying to get a consensus with interest groups and really needed my help on this bill. Because of his non-intimidating request, I ended up voting for the bill. As I stated before, he does not rule with an iron fist. For the reasons I have discussed, among many others, I am proud and honored to put the name of Rick Thompson before you for the nomination as Speaker of the West Virginia House of Delegates.

* * * * * * *

The nomination of Delegate Thompson was seconded by the Honorable Margaret Anne Staggers of the 32nd Delegate District, with the following remarks:

DELEGATE STAGGERS. God whispered His name to prophets of old: I am — not I was, or I will be. We are here together in this place with bright new faces, with torn, beaten faces, with old grudges, with obligations, disparate interests, and new hopes. But this is our moment now at the birth of the 81st Legislature to decide who shall lead us and who can best guide us as we travel down the unmarked trail to the future.

I explain the legislative process to grade school children as having ninety-nine brothers and sisters. One needs only to convince fifty of them to agree with you and your siblings and you will be successful in your efforts. Our Speaker would never claim paternity to this group, but he does an excellent job of mediating and moderating this obstreperous band.

The Speaker of the House should induce others to serve him because of his willingness to serve others. Our Speaker does. The Speaker of the House should engage in no transaction which does not benefit all whom it effects. Our Speaker does not. The Speaker of the House should realize that no position of power can endure unless built upon truth and justice. Rick Thompson knows this. The Speaker of the House will cause others to believe in him because he believes

in them and in himself. Rick Thompson believes. The Speaker of the House will succeed by attracting the forces he wishes to use and the cooperation of other people. Rick Thompson does.

One could look to the past, stand here in the present, and anticipate to the future and conclude that the only right and just path is to cast a vote for excellence, a vote for Speaker Rick Thompson. Quote - " Where on the pillars of the Earth are founded toward which the consciousness of the world is tending a wind is rising and the rivers flow." I second the nomination of Rick Thompson.

The nomination was also seconded by Delegate Doug Reynolds of the 17th Delegate District, as follows:

DELEGATE REYNOLDS: Thank you, Delegate Overington.

Fellow Delegates, it is an honor to stand before you today and second the nomination of my fellow attorney, Wayne Countian, and friend, Rick Thompson for a fourth term of Speaker of this House of Delegates.

I did a quick count, and there were forty-seven of us that were here in 2007, six years ago, when we first chose Rick Thompson to be our leader in this House of Delegates. And as I look back, many of us have gone on to bigger and better things, and some of us, like Delegate Eldridge, have come back. It's great to have you back Jeff, but most of us have been together for the last six years, and I think we have a lot to be proud of under the Speaker's leadership.

We have put a system in to get rid of the food tax and put us on a plan to get rid of the business franchise tax. We have taken our God-given natural resources and come up with a legal framework to exploit those in a manner that benefit all West Virginians, and most importantly, those people on the front lines, we have made sure it is safe to do so. We have made sure that our seniors and folks who have put a lifetime of effort in our State, our municipal employees and our teachers can have a secure retirement. That is something all one hundred members can be proud of.

There have been many times that we haven't all wanted to go in the same direction. We've had to deal with gaming policy, result of how we finance different services in this State, campaign, finance, ethical reforms, and I don't think any of us will forget the redistricting session in 2011.

I haven't always been on the prevailing side on many of these issues, but I have always pressed the green light when it comes down to believing in the collective wisdom of this chamber and believing in the free and open debate and believing we were moving the state forward, even when I might have disagreed.

I look back at all that has happened during that time and we have three new Justices, one of those being Justice Ketchum on the Supreme Court. We've had two different Governors, a Senate President acting as Governor and two Senate Presidents, but the one consistency is this body has often been at the center of those debates and the Speaker has often been the Speaker during these challenging times. So, one day the forty-seven of us left from 2006 will all be gone, including Delegate Overington. He will probably be the last to leave. I hope there is still a Democrat as Speaker at the time, but when they look back and our children or our grandchildren are going through their West Virginia history books, I think they very well might be calling this the Thompson Era of West Virginia government. I think we should all be proud to be a part of that.

Today is a new challenge and I think we all know that. Our body is more evenly divided than it has been in a very, very long time. I believe Delegate Thompson will be the first one to tell you, you shouldn't just vote for him or support because he's done a great job the last six years. We've got some new challenges and we're going to have to deal with adversity. There are going to be some tough times here. I can tell you as a delegate, and I know there are some new delegates here, it doesn't always go your way. It's frustrating, and it's upsetting, and there is adversity, too, in this process. Every member in this chamber will have to deal with adversity over the next two years.

Over the last six years, I have learned in watching the Speaker, and often it seems as if it's no big deal there is an

amendment or something that I might think is the most important thing in the world, and he has a calmness, a collectiveness, a stoicism almost that would lead one to believe that he really knows what is really important beyond this capitol in the long run. I firmly believe that he has a character that has been formed by incredible levels of adversity.

For many of us, the worst thing that has happened is that we lose our bill here or there is an amendment we don't like which is adopted. Rick Thompson is a man that has overcome incredible odds to be Speaker of this body and whether you agree with him one hundred percent or zero, it's something we should all be proud of. We should all be proud that someone like Rick Thompson would become Speaker of this House of Delegates. He's an attestment to our Country and our State. So, during this next session, we are all going to have challenging times and we are all going to have to work together. I can assure you, Rick Thompson will be there for us, and when we lose our bills or the Senate does something we don't like or the Governor vetoes something that we think should be in there, he will suffer with us. I would ask that you support Rick Thompson for a fourth term as our Speaker.

MINORITY NOMINATION

Delegate O'Neal, 28th Delegate District, then nominated the Honorable Tim Armstead, the Delegate from the 40th Delegate District, as follows:

DELEGATE O'NEAL. Thank you, Mr. Speaker.

Honorable ladies and gentlemen, family, friends, and special guests. We have two good men as candidates before us today for Speaker. It is with great pleasure that I rise to nominate Delegate Timothy Paul Armstead for Speaker of the House of the 81st Legislature of the State of West Virginia.

Tim Armstead is imminently qualified to lead this assembly on day one. He has spent most of his adult life in public service in our State, working in all three branches of government. Tim has served in the Judicial branch of government as a clerk for a judge in Mercer County where he and I first met,

as our families worshiped together in our local church. Tim served in the Executive branch of state government while working in the administration of two different governors. For the last fourteen years Tim has served with distinction in this body as a Delegate from Kanawha county. He has been selected as caucus leader by his peers four times. We stand now on the doorstep of historic change in our State. In Tim Armstead we have a leader with the qualifications, the character, and the record of successful leadership to lead this body and our state across the threshold and into a new era of greatness. I'm proud to place in nomination for Speaker of the House, Timothy Paul Armstead.

Thank you very much.

The nomination of Delegate Armstead was seconded by the Honorable Anna Border of the 9th Delegate District, with the following remarks:

DELEGATE BORDER. Ladies and gentlemen, it is indeed an honor that I rise to second the nomination of Tim Armstead to be Speaker of the West Virginia House of Delegates. It has been a great privilege to be a friend, and now colleague, of Delegate Armstead for over ten years. He is a good and decent man, a godly man who always puts others before himself. He is steadfast in all his endeavors and has unmatched integrity. I do not believe that I have encountered another person with such an abundant ability to lead not only this body but the entire State of West Virginia. It is again my great pleasure and honor to second the nomination for Delegate Tim Armstead to be our Speaker.

Delegate Marty Gearheart, 27th Delegate District, also seconded the nomination of Delegate Tim Armstead, as follows:

DELEGATE GEARHEART. What a great honor it is to be here before you this morning to have the opportunity to second the nomination of Tim Armstead to be our next Speaker. Tim is the type of leader that I think most West Virginians can appreciate. He leads by example. Tim acts the same way and he treats every individual member in the same way. He doesn't attempt to influence people by twisting their arms, or

> to lead he simply leads with a moral and ethical approach where he attempts to bring logic and reason to the game. He allows people to make decisions based on what he presents to you, and you want to follow someone who treats you in that type of manner. I have known Tim for a very long time. I have always loved and appreciated the way he treats people. Once becoming a member of this body, I found that is who he is in every aspect of his life, and I couldn't imagine anyone being better for this body as its leader. As such, I would respectfully like to second the nomination of Tim Armstead to be our next Speaker.

There being no further nominations, on motion of Delegate Pethtel, the Presiding Officer declared nominations closed.

* * * * * * *

The Clerk then called the roll **(Roll No. 1)**, the result of which was as follows:

Delegates voting for Delegate Thompson – 54, as follows:

Armstead	Ferro	Manypenny	Phillips, L.	Staggers
Barill	Fleischauer	Marcum	Phillips, R.	Stephens
Barrett	Guthrie	Marshall	Pino	Stowers
Boggs	Hartman	Miley	Poling, D.	Swartzmiller
Campbell	Hunt	Moore	Poling, M.	Tomblin
Cann	Iaquinta	Morgan	Poore	Walker
Caputo	Jones	Moye	Reynolds	Wells
Craig	Lawrence	Paxton	Skaff	White
Diserio	Longstreth	Perdue	Skinner	Williams
Eldridge	Lynch	Perry	Smith, P.	Young
Ferns	Manchin	Pethtel	Sponaugle	

Delegates voting for Delegate Armstead - 46, as follows:

Ambler	Cooper	Gearheart	Nelson, E.	Sobonya
Anderson	Cowles	Hamilton	Nelson, J.	Storch
Andes	Ellem	Hamrick	O'Neal	Sumner
Arvon	Ellington	Householder	Overington	Thompson
Ashley	Espinosa	Howell	Pasdon	Walters
Azinger	Evans, A.	Ireland	Raines	Westfall
Border	Evans, D.	Kump	Romine	
Butler	Faircloth	Lane	Rowan	
Cadle	Folk	McCuskey	Shott	
Canterbury	Frich	Miller	Smith, R.	

The Presiding Officer stated that the total number of votes cast was 100, of which the Honorable Rick Thompson of the 19th Delegate District received 54, and the Honorable Tim Armstead of the 40th Delegate District received 46, and declared that the Honorable Rick Thompson, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Pethtel, Staggers, Reynolds and Armstead, as a committee to escort the Speaker-elect to the Chair.

The committee then escorted the Speaker-elect to the Clerk's Desk, where he took and subscribed to the several oaths of office, which oaths of office were administered by the Honorable Menis Ketchum.

Delegate Armstead delivered the following remarks prior to presenting the Speaker to the House:

> DELEGATE ARMSTEAD. Mr. Speaker, I know we use this term a lot in the House, that you have friends across the aisle. I want to say that we use that term seriously in terms of friendship. I do think that this House, as the lady from the 32nd said, is like a hundred brother and sisters and friends. We want to pledge to you our continued friendship as we continue on in the journey that all of us are quite honored to be on apart of in this House.
>
> I know as friends we don't always agree on everything, and I'm sure that will continue. I do say that your forty-six friends across the aisle this time pledge to you that as we continue to work together. You will have our respect. That as we agree on things, we will work hand in hand with you on those. When we disagree we will do it respectfully and we will do it all with the goal of moving forward West Virginia.
>
> I know there has been a lot of discussion about this historic election, and in many ways it was historic. I think what will really be historic is if we can use the next two years to address the challenges that face our fellow West Virginians. There are 60,000 fellow West Virginians out of work as we stand here today. The other challenges that we know our other fellow citizens have sent us here to meet.
>
> So as we start that journey for the next two years I want to offer you our best wishes, our appreciation for your service, and our pledge that we will work always with the goal of making West Virginia a better place to live.
>
> Now it is my pleasure and my honor to introduce to you the Speaker of the 81st Legislature, the Honorable Rick Thompson.

At the conclusion of Delegate Armstead's remarks, the Clerk presented the gavel to the Speaker and he assumed the Chair. (Applause, the members rising in ovation)

The Speaker then addressed the House as follows:

MR. SPEAKER, MR. THOMPSON. As I reflect back, I am reminded of what I said as I stood before this body in January of 2006, having just been elected Speaker of the House for the first time. I referred to a speech written by President John F. Kennedy, quoting the phrase: "Leadership and learning are indispensable to each other."

What I recognized as wise words at the time, I now know to be an absolute truth. Every single day has been a learning experience. And I have each and every member who I have served with to thank for that. In fact, I have come to realize that the term "leadership" can be quite deceptive.

Each piece of legislation is unique, and as it makes its journey through the complex legislative process - every step of the way, at any given moment - there is inevitably an individual member who I look to....To take the lead. I have found an essential part of being Speaker of the House is recognizing the experience and passion that each of you bring to the table - and when an issue arises that peaks your interest, touches the specific needs of your constituents - relying on your leadership to guide me. From the very beginning, I have urged principle above partisanship. Ethics above opportunity. Putting the people's interests above the special interests.

I have found my open-door policy to be extremely rewarding and the free and open debate refreshing and productive. Of course I owe a lot to each and every member who took the lead and worked tirelessly to maintain an open, inclusive process. I need every member's input and I can't tell you how much I have valued it over the years. I also believe that now, more than ever, it is essential that we continue to work together, to stand together.

We must be pragmatic in dealing with the challenges our state faces, working with all our colleagues, on both sides of the aisle. We are united in a desire to improve this state and work toward a better future. This isn't Washington, thank goodness. We know West Virginians don't want gridlock; they want progress. Voting "no" at every turn – or pushing off earnest attempts at real solutions, until we reach the edge of a "cliff" in order to avoid difficult votes – will not work.

West Virginians cannot afford, and should not tolerate, losing ground to political gamesmanship by either party.

Let us dedicate our energy to meaningful measures that bring positive change. In fact, let's pause for a moment to reflect on some of this Legislature's accomplishments.

Together, we oversaw the reduction of the corporate net income and eventual elimination of the business franchise taxes; repealed the corporate license tax; and oversaw the elimination of the timber severance tax.

Together, we secured the unemployment compensation fund, maintaining its solvency at minimal cost. And we ensured a smooth transition to a private workers' compensation market.

Together, we oversaw the merger of the massive Teachers Retirement System, ensuring a secure retirement for our educators.

Together, we saw the state's bond rating increased due to our fiscal conservatism and consistent Rainy Day Fund balances.

Together, we expanded the Promise Scholarship program and increased education benefits for veterans.

Together, we initiated and saw through to passage an extremely important mine safety bill that includes not only strong safety measures, but empowers miners to voice their concerns and take whatever steps necessary to protect themselves and their coworkers.

Together, we laid the groundwork for a separate business court docket to facilitate complex cases unique to the business community, sending the clear message that this state is business friendly.

Together, we created a regulatory framework for the promising and rapidly growing Marcellus Shale industry that encourages its development while providing protections for residents, the environment and workers.

Together, we retired the long-term unfunded liability of Other Post Employment Benefits.

I know that each incumbent can think of issues and legislation important to your constituents that this House was able to address. But after reflecting on what we have done, I believe there is so much more we can do...

Together, we can work with the education audit to improve our public schools.

In preparation for the session, I have appointed nine delegates to serve on a bipartisan panel that is delving into the Governor's Education Efficiency Audit.

The education system in West Virginia is on the brink of an overhaul, and it is important that all members of the House of Delegates are up to date and knowledgeable of what the audit recommends and what is needed to improve upon our education environment here.

I want each of you to make an informed decision, and to use this panel as a resource. We can build common ground now and hit the ground running – to do what it takes to make the West Virginia public education system the best.

We can work to help West Virginians gain access to affordable, quality health care. Recently, I made the decision to elevate the House of Delegates Health Committee to a major committee to address West Virginians' many health concerns. I know we all want to improve health care accessability and affordability, in particular for our growing senior population.

We can find ways to better address the insidious substance abuse problem in our State, which has in large part led to overcrowded jails and more crime. We can use the upcoming justice report to make sure dangerous criminals are kept behind bars and that we reduce jail costs to our counties. We can support our State Police and provide them with the best possible equipment to keep our children, the public and themselves safe. We can ensure the Promise Scholarship is maintained so that our best and brightest have the opportunity to attend college. And we can do more to help our State's veterans succeed here, especially within our higher education system.

As West Virginians, we know the importance of West Virginia coal to our State and Nation. We can continue our fight to make our mines safer and keep our miners safe. Even one death, such as the recent tragedy in Harrison County, is one too many.

It's not going to be easy, but we can find a way to better fund our road system, which is unique in that it is currently paid for almost entirely at the state level. We have to continually stretch our tax dollars.

As we balance the state budget and ensure the payments of our long-term debt, we can seek to better determine what tax incentives the state offers to businesses and how to accurately track their effectiveness in bringing jobs to West Virginia.

We must be careful stewards of taxpayer money, and that means taking every step to determine the costs and benefits of every piece of legislation. Together, I know we can accomplish so much. I am reminded yet again of the words of President Kennedy, who said at his inauguration:

"So let us begin anew, remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate. Let both sides explore what problems unite us instead of belaboring those problems which divide us."

If we all move forward in that spirit, I am confident the entire House of Delegates, and the Legislature as a whole, will have a productive, very successful session. And in the coming weeks, I look forward to meeting with each of you, learning from you .... and following your lead.

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ELECTION OF CLERK

The next order of business being the election of the Clerk, the Speaker stated that nominations were now in order.

Delegate Poore, the Delegate from the 37th District, nominated Gregory M. Gray, of the County of Kanawha, as follows:

DELEGATE POORE. Thank you, Mr. Speaker.

It is certainly an honor to be before you this morning. Some new faces and some old faces, but all friends. Before I begin, I want to say Happy New Year to you.

We are all in this body doing what is important: working for the people here of the State of West Virginia.

When I was first sworn in to be an attorney here in West Virginia, I was told about an old man who walked down a country road with not a house in sight or a person in sight, and as he passed a post he saw a turtle that sat above that post. It doesn't matter if you are new here or if you're old here, if you're a Democrat or a Republican. I hope we can all agree today on one thing, that turtle didn't get on that post by itself. I could say it a different way, the way my momma and daddy taught me. You better not forget where you came from and who helped you get there.

I'm here to nominate a man who will certainly make you who you are meant to be in this body, a true servant. Someone who can help you walk the walk and talk the talk, because he will make sure you have a book of rules that you're supposed to follow. Whenever you go off of stride, he will bring you back to task and make sure you know what you're supposed to do. He doesn't just do that with us. He makes sure his staff is in line, and they treat you with so much dignity and respect when you go in. He doesn't care if you have an "R" or a "D" behind your name he just cares that you're here for the right purpose — to serve.

Now of course I could go through his resume´, and I certainly am going to do that. I already loved him when I first came here because he grew up where my daddy was born and raised, Fayetteville, West Virginia. He is one of us. He went to public schools and graduated from the University of Paris. He also was hired here in January of 1973 to serve during the Regular Session. So, he has a little bit of experience behind him on how to do this! He didn't just keep it domestic — he went internationally and he was able to be the professional parliamentary advisor in Burkina Faso and Benin, Africa. He helped to reorganize and redefine the Parliament and their staff to form a democracy in those French-speaking countries.

He doesn't just care if we get it right here in West Virginia. He cares if we get democracy right throughout this world, and he could be anywhere, but he chose to be at home— here, with us.

I am pleased to call him a friend. There were five people you met when you first came in, top leaders, and he was one of those people. He makes sure you know where to sit on the floor. He makes sure you know what to say for your oath. He will make sure that throughout your process here you're doing what is supposed to be done, not because you are a Democrat or Republican. He already knows what he stands for. He gets his policy. He doesn't care what your faith is. He knows what his God is. All he cares about is you do the right thing. He will help you get up on that post or whatever soap box you preach from to make certain that you're following the rules of this House and the Constitution, and that you're doing what is right by the people of West Virginia because of the rules, not because of your theories or issues.

So, I am honored to represent my friend and nominate him before this body. Gregory M. Gray as Clerk of our body.

The nomination was seconded by Delegate Eldridge of the 22nd Delegate District, with the following remarks:

DELEGATE ELDRIDGE. Thank you, Mr. Speaker.

Thank you all for having me here today, and I want to say what an honor it is to stand here and second the nomination of such a great and knowledgeable man. I was first elected in 2004, and Greg was one of the few people I ran into who treated me like I was at home here. His staff is very respectful, and they are always there to assist you with whatever you may need.

Personally, Greg has helped me in several ways. The first time I ever saw Greg, I felt he was down to earth and really cared about what he is doing. That makes you feel better, and I knew I liked him the first time I saw him. He welcomed me in, showed me around the chamber, and showed me around the building. Newly elected in 2004, rolling in here I didn't really know what to expect, and with the help and assistance of Greg it was less terrifying being here.

You know being here really takes a toll on your relationship or your marriage. I was in town 2006 and 2007, having difficulties with my marriage and agreed to do family therapy. I rolled in, and if anybody knows me, I'm usually close to being on time or a few minutes late. That is the way it was with this, and I rushed in downtown and parked. I knew I was close to the area, but couldn't find where I was going. I started going down the street and who do I run into other than Mr. Gray. He knew the location, and actually walked me to the place and helped me personally. You don't forget things like that.

When you're in a committee and you're having difficulty with an issue that nobody knows the answer to, who are you going to call? You're going to call Greg Gray. He will come down and make sure you do it the right way, according to the rules, and that we follow the Constitution of West Virginia.

You may have people in your neighborhood and your district that go out of their way to help people. I have had several people over here that I've wanted to present citations to, but at first I didn't really know how to that. I knew there probably was a way to go about, so I go ask Greg about it. Greg says we can make a citation and bring them on the floor and recognize their accomplishments in your district. I appreciate that.

Last but not least, Greg has asked me three or four times to come up here and second his nomination and I have told him no except for this. I didn't come back the last two years, and you reflect back and wish you could have done some things different. This was one of the things I wish I would have done, which is second his nomination. So when I got reelected, Greg Gray asked me again, and I said I'm going to do it or he's not going to quit asking me!

He is honest, trust worthy, knowledgeable, and he has traveled to other countries to set up Parliament and show them the right procedures as well. So, I can't think of anyone else to second the nomination of Greg M. Gray as Clerk of the 81st House of Delegates.

On motion of Delegate Poore, nominations were closed and the Honorable Gregory M. Gray, of the County of Kanawha, was elected Clerk of the House by acclamation.

Mr. Gray then qualified by taking and subscribing to the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable Menis Ketchum.

ELECTION OF SERGEANT-AT-ARMS

The next order of business being the election of Sergeant-at-Arms, nominations were now in order.

Delegate Paxton, a Delegate from the 13th Delegate District, nominated George McClaskie, of the County of Kanawha, as follows:

> DELEGATE PAXTON. Mr. Speaker, honored guests, my fellow brothers and sisters of the West Virginia House of Delegates:
>
> You might find it odd for me to call you brothers and sisters, but that is exactly what you are. You have joined one of the best families in the State of West Virginia and, like families, we sometimes have disagreements. Now just like most families we have big brothers to call on to help us work through those. We are lucky to have Delegate Armstead on one side, and Delegate Rick Thompson on the other. Please use them.
>
> I am about to introduce a man who needs no introduction. He is trustworthy, loyal, friendly, courteous, kind, obedient, thrifty, cheerful, brave, clean, and reverent. He is a very hard worker, and knowledgeable, and a heck of a poker player. He is prompt, pays attention to detail, a leader, and we are fortunate to have him.
>
> He is the one to go to if you have any questions about this glorious office we work in. The ups and downs of being a House of Delegates member will soon go into boredom. I have been here for twenty years. Every morning I get out of my truck on California Avenue, and I am awed. I am taken

aback by the beauty and history of this facility that we have the privilege to work in. I even have an office here. We are very fortunate.

Of course the person I was referring to was George W. McClaskie for the position of Sergeant-at-Arms with the West Virginia House of Delegates.

The nomination was seconded by Delegate Guthrie of the 36th Delegate District, with the following remarks:

DELEGATE GUTHRIE. Good afternoon to all of you.

For all of you new people, if you are anything like I was the first year I was here, when you first sat down in your seat, I'm sure it struck you, "What am I doing here?" One of the things you will learn in the People's Chamber, everybody calls it the People's Chamber, is that nothing works if we don't have the Greg Grays of the world or George McClaskies of the world ushering us around.

If you have ever seen a train go off its rails, then try walking into a House of Delegates without a Sergeant-at-Arms. It's been a long time since we've had an election for Sergeant-at-Arms. Our last Sergeant-at-Arms, Oce Smith we all knew and loved. You always knew that Oce was here because his voice preceded him. Oce was first elected to Sergeant-at-Arms in the 58th Legislature, the 58th. So, you see this isn't job opportunity that comes up often.

George is one of those people who has shown so many kindnesses to so many people in this room, including me. He is a man who reports himself with quiet dignity and grace, and one of the folks in this room who will make your life easier. He will make sure you are in the right place at the right time. You can depend on him.

I can't tell you what an honor and privilege it is for me to say to George, "You have some very big shoes to fill, and I mean big." They were big, but we know and trust that you will bring as much to this position as our beloved Oce Smith did from the 58th Legislature on. So, Mr. Speaker, I would like to second the nomination of George McClaskie for Sergeant-at-Arms.

On motion of Delegate Paxton, nominations were closed and the Honorable George McClaskie, of the County of Kanawha, was elected Sergeant-at-Arms by acclamation.

Mr. McClaskie then qualified by taking and subscribing to the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Menis Ketchum. (Applause, the members rising)

ELECTION OF DOORKEEPER

The next order of business being the election of Doorkeeper, nominations were now in order.

Delegate Moore, the Delegate from the 26th Delegate District, nominated Tom Hively, of the County of Kanawha, as follows:

> DELEGATE MOORE. Thank you, Mr. Speaker, members, and guests.
>
> The primary duties of a Doorkeeper are to: one, to monitor ingress for the Chamber and its galleries; two, to organize the distribution of House documents and information; and three, to act as concièrge if you will, to each member. The Doorkeeper must maintain neutrality among the parties while at the same time remaining loyal to the Speaker, the members and staff.
>
> Some of you might think this is a pretty easy job and anyone could do it. Well, if anyone could do it, then they would be looking to fill the position. In my opinion there is only one person who can effectively, efficiently, and professionally discharge the duties of the Doorkeeper. For those reasons I stand proudly before you today to nominate our friend and brother, Tom Hively, to be the Doorkeeper of the House of Delegates for the 81st Legislature.

The nomination was seconded by Delegate Wells of the 36th Delegate District, with the following remarks:

DELEGATE WELLS. Good afternoon. It is my privilege to second the nomination of Tom Hively as Doorkeeper of the House of Delegates. Tom has served this House well for sixteen years as Assistant Doorkeeper in a friendly and efficient way. We are lucky to have him. He is a graduate of West Virginia State University. It was State College then. He has lived in Chesapeake, West Virginia in Kanawha County for forty years. He served the Country as a U.S. Marine. I am glad to second the nomination of my friend Tom Hively.

On motion of Delegate Moore, nominations were closed and the Honorable Tom Hively, of the County of Kanawha, was elected Doorkeeper by acclamation.

Mr. Hively then qualified by taking and subscribing to the oath of office as prescribed for Doorkeeper, which oath of office was administered by the Honorable Menis Ketchum. (Applause, the members rising)

* * * * * * *

On motion of Delegate Boggs, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in the First Session of the Eighty-first Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Rick Thompson, 19th Delegate District, as Speaker; Gregory M. Gray, of the County of Kanawha, as Clerk; George McClaskie of the County of Kanawha, as Sergeant-at-Arms; and Tom Hively, of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Barill, Young and Border.

At the request of Delegate Boggs, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for the remainder of the day to extend privileges of the floor to invited guests and families of members.

A message from the Senate, by

Senators Hall, Carmichael and Miller announced that a quorum of the Senate had assembled and organized by the election of the Honorable Jeffrey V. Kessler, 2nd Senatorial District, as President; Joseph M. Minard, of the County of Harrison, as Clerk; the election of other officers as provided by law, and was ready to proceed to the business of the session.

Delegate Barill from the Committee to notify the Senate that the House of Delegates had assembled for the First Regular Session of the Eight-first Legislature, with a quorum present, had organized by the election of officers and was ready to proceed to the business of the session, announced that the committee had performed that duty.

On motion of Delegate Boggs, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular Session of the Eighty-first Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, had organized by the election of officers of the respective houses, and was ready to enter upon the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Campbell, Marcum and Westfall.

Delegate Campbell, from the committee to inform His Excellency, the Governor, that the Legislature had assembled for the First Regular Session of the Eighty-first Legislature, with a quorum of each house present, had organized by the election of officers of the two houses as provided by the Constitution, and was ready to enter upon the business of the session, announced the performance by the committee of its assigned task.

* * * * * * *

RESOLUTIONS INTRODUCED

Mr. Speaker, Mr. Thompson, offered a resolution, which was read by the Clerk as follows:

H. C. R. 1 - "Raising a Joint Assembly to open and publish election returns."

Resolved by the Legislature of West Virginia:

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:30 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election held throughout the State on the 6th day of November, 2012, as provided by Sec. 3, Article VII of the Constitution.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by the Clerk as follows:

H. R. 1 - "Adopting Rules of the House of Delegates."

Resolved by the House of Delegates:

That the Rules of the House of Delegates in effect at the expiration of the 80th Legislature are hereby adopted and shall govern the proceedings of the regular sessions of the 81st Legislature and any extraordinary sessions thereof insofar as applicable, subject to amendment as provided by Rule 133.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

[CLERK'S NOTE: The rules are printed in their entirety as part of the record of proceeding of today. The Introductory to the House Rules has been included and, while not part of the Rules, will serve to give an historic overview and synopsis of information pertinent to the organization and operation of the Legislature.]

RULES OF THE HOUSE OF DELEGATES

INTRODUCTORY

The last complete revision of the Rules of the House of Delegates was in 1935. The rules as adopted at that time will be found in the Journal of the House of Delegates, Regular Session, 1935, pages 45-78.

Since then a number of new rules have been adopted and others amended. All amendments and additions are indicated herein by means of a reference to the Journal showing the session at which the amendment was adopted. HR indicates House Resolution.

Membership of the House

By an act of the Legislature (Ch. 3, Fifth Extraordinary Session, 2001), the House of Delegates shall consist of one hundred members. Fifty-eight Delegate Districts, embracing all counties, each District embracing one or more counties, were established. Delegates are elected for a term of two years.

Qualifications

No person shall be a Delegate who has not for one year next preceding his election, been a resident within the district or county from which he is elected, and if a Delegate remove from the district or county for which he was elected, his seat shall be thereby vacated. (Const., Art. VI, Sec. 12.)

No person holding any other lucrative office or employment under this State, the United States, or any foreign government; no member of Congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature. (Const., Art. VI, Sec. 13.)

No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crimes, shall be eligible to a seat in the Legislature. No person who may have collected or been entrusted with public money, whether State, county, township, district or other municipal organization, shall be eligible to the Legislature, or to any office of honor, trust, or profit in this State, until he shall have duly accounted for and paid over such money according to law. (Const., Art. VI, Sec. 14.)

No Senator or Delegate, during the time for which he shall have been elected, shall be elected or appointed to any civil office of profit under this State, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people. Nor shall any member of the Legislature be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected. (Const., Art. VI, Sec. 15.)

Oaths

Members of the House of Delegates, before they enter upon their duties, shall take and subscribe to the following oaths or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of West Virginia, and faithfully discharge the duties of Delegate according to the best of my ability, and that I will not accept or receive, directly or

indirectly, any money or other valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold, as Delegate, on any bill, resolution or appropriation, or for any act I may do or perform as Delegate." These oaths shall be administered in the hall of the house to which the member is elected, by a Judge of the Supreme Court of Appeals, or of a Circuit Court, or by any other person authorized by law to administer an oath; and the Secretary of State shall receive and file said oaths subscribed by each member; and no other oath or declaration shall be required as a qualification. Any member who shall refuse to take the oath herein prescribed, shall forfeit his seat; and any member who shall be convicted of having violated the oath last above required to be taken, shall forfeit his seat and be disqualified thereafter from holding any office of profit or trust in this State. (Const., Art. VI, Sec. 16.)

Under authority of Ch. 4, Art. 1, Sec. 6, of the code of West Virginia, the presiding officer or Clerk of either house may administer the oaths of office to any member or officer of such house.

Privileged from Civil Arrest

Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during the session, and for ten days before and after the same; and for words spoken in debate, or any report, motion or proposition made in either house, a member shall not be questioned in any other place. (Const., Art. VI, Sec. 17.)

Compensation and Expenses of Members

Compensation and expenses of members are fixed by the combined action of the Citizens Legislative Compensation Commission, created by Article VI, Section 33, of the Constitution. The Commission submits a resolution to the Legislature establishing compensation for members and allowances for travel and expenses of members in connection with their legislative service. The recommendations of the Commission are thereafter enacted into general law. The Legislature may reduce but shall not increase any item of compensation or expense allowance established by the Commission.

The amendment to the Constitution providing for this method of fixing legislative salaries and expenses was ratified by the voters at the general election in 1970.

The Citizens Legislative Compensation Commission is required by the Constitution to submit its determination of compensation and expenses every four years.

Assembly of the Legislature and Organization of the Two Houses

The Legislature assembles annually in regular session at the seat of government on the second Wednesday of January, and not oftener unless convened by the Governor. The custom is for each house to convene at 12:00 o'clock noon. Upon convening in oddnumbered years, each house proceeds to organize by the election of officers for two-year terms. Under the Constitution, the oldest member of each house in point of continuous service present at the assembly of each new Legislature, following the call to order by the Clerk, presides over such house until a presiding officer is elected and takes his seat—a President of the Senate and a Speaker of the House of Delegates. If two or more members have equal continuous service, the one agreed upon by such members or chosen by them by lot calls his house to order and presides over it until a President or Speaker, as the case may be, is elected.

The practice is for the Clerks of the previous houses to call the particular house to order and call the oldest member in point of continuous service to the chair to preside until a presiding officer is elected.

The session is then opened with prayer and the Pledge of Allegiance, following which a list of the members-elect and notices of contested elections are received. The roll is then called and the oath of office administered to the members determined to have been elected.

Upon the conclusion of the above formalities, the Senate is ready to proceed to elect a President and the House of Delegates a Speaker. Following the election of these officers, each house then proceeds to the election of other officers, i.e., a Clerk, Sergeant at Arms and Doorkeeper. All officers are elected by viva voce vote.

It is then in order for each house by resolution to adopt rules governing legislative proceedings and each to inform the other of its organization. Then a concurrent resolution is adopted raising a joint committee to wait upon the Governor to inform him that the Legislature is organized and in readiness to receive any message or communication he may desire to present.

However, at the session of the Legislature following each general election at which a Governor and other officials of the executive department are elected, immediately upon the organization of the two houses, they shall meet in Joint Assembly in the Hall of the House of Delegates, where the Speaker, before proceeding to any other business, opens and publishes the election returns in the presence of a majority of each house. (Const., Art. VII, Sec. 3.)

Ordinarily, the Governor appears before a Joint Assembly to deliver his annual message. He advises the Legislature that he would be pleased to address a Joint Assembly and the Legislature by resolution provides for the two houses to assemble for this purpose.

Length of Legislative Sessions

The regular session of the Legislature held in 1973 and every fourth year thereafter shall meet on the second Wednesday of January, and, after organization of each house by the election of officers and opening and publishing election returns, shall then adjourn until the second Wednesday of February following. Such sessions, upon reconvening, shall not exceed sixty calendar days computed from and including the second Wednesday of February. Regular sessions held in all other years shall not exceed sixty days.

Any regular session may be extended by a concurrent resolution adopted by a vote of two thirds of the members elected to each house.

Extraordinary Sessions

The Constitution provides two methods for initiating the convening of extraordinary sessions.

It is the duty of the Governor to convene the Legislature on application in writing of three fifths of the members elected to each house. (Const., Art. VI, Sec. 19.) When this occurs, the session is plenary in nature.

He may, on extraordinary occasions, convene it at his own instance; but when so convened the Legislature shall enter upon no business except that stated in the proclamation by which it was called together. (Const., Art. VII, Sec. 7.)

Resignations and Filling of Vacancies

Resignations of members of the House should be made to the Speaker, Governor and chairman of the executive committee of the party of which the member belongs in the county or delegate district from which he was elected.

Vacancies in the House are filled by an appointment by the Governor, in each instance from a list of three qualified persons submitted by the county or delegate district party executive committee. (Ch. 3, Art. 10, §5 of the Code.)

RULES

ELECTION AND DUTIES OF OFFICERS

Officers and Their Compensation

1. The House, at the commencement of each Legislature, shall elect a Speaker, Clerk, Sergeant at Arms, and Doorkeeper. All officers, except the Speaker, shall receive such compensation as the House may determine. Vote to be Viva Voce

2. In the election of officers by the House, the vote shall be given viva voce, and a majority of the whole number of votes given, a quorum being present, shall be necessary to elect. If, upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the counting to affect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again. No question before the House, or in committee of the whole, shall be voted on by ballot.

DUTIES AND RIGHTS OF THE SPEAKER

Call To Order

3. The Speaker shall take the chair on each legislative day precisely at the hour to which the House shall have adjourned; shall immediately call the members to order and after prayer and the Pledge of Allegiance, if a quorum is present, proceed to the order of business. (HR 21, Reg. Sess. 1985.)

Effect of the 1985 amendment. The Pledge of Allegiance was added to the Call to Order.

Preservation of Order

4. The Speaker shall preserve order and decorum while the House is in session; enforce the rules and orders of the House; prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; announce the question of business before the House when properly requested by any member; receive all messages and communications; put to vote all questions which are properly moved; announce the result of all votes and authenticate, when necessary, the acts and proceedings of the House.

Decorum in Debate

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair. When two or more members arise at the same time, he shall name the one entitled to the floor.

Questions of Order

6. The Speaker shall decide all questions of order subject to an appeal to the House when demanded by any ten members. He may speak to questions of order in preference to other members, and may make the concluding speech on any appeal from his decision, notwithstanding, he may have before spoken on the question; but no other member shall speak more than once on such appeal without leave of the House.

When properly requested by a member, the Speaker shall inform the House upon any point of order or practice pertinent to the business before it.

Preserving Order in Galleries

7. The Speaker shall have general control of the House Chamber, lobbies, and rooms and of the corridors and passages in that part of the Capitol assigned to the use of the House. In case of any disorderly conduct or disturbance in the galleries, corridors or passages, he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the House. In all such cases the members present may take such measures to prevent a repetition of such misconduct, either by the infliction of censure or such other penalty, as may be authorized by law, on the parties thus offending, as the House may deem best.

Appointment of Speaker Pro Tempore, Presiding officer in Absence of Speaker

8. The Speaker shall appoint a Speaker *pro tempore,* who, during the absence of the Speaker, shall preside and perform all duties of the Speaker: *Provided,* That the Speaker may designate, by appointment in writing entered upon the Journal of the House, any member, other than the Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform the duties of the Speaker until the Speaker returns to the chair: *Provided, however,* That the Speaker may call any member to the chair to perform the duties of Speaker but such substitution shall not extend beyond an adjournment: *Provided further,* That the Speaker *pro tempore* or any other member hereunder designated shall so preside for a period, not to exceed three consecutive legislative days, but for no longer period, except by special consent of the House. (HR 20, Reg. Sess., 1979.)

Effect of 1979 amendment. Created a Speaker pro tempore to preside and perform the duties of the Speaker in his absence.

Appointment of House Employees

9. For the performance of technical, clerical, stenographic, custodial and other services required by the House, at the

beginning of each regular session of the Legislature, upon the recommendation of the Committee on Rules, the Speaker shall appoint such persons to the various positions herein specified, in such number as he shall deem necessary to efficiently carry on the work of the House, but not to exceed the total number herein authorized.

(1) For the Clerk's department the following:

One docket and calendar clerk, who shall number each bill and resolution and keep a correct record of the status thereof, make the proper endorsements on all bills, resolutions, memorials and petitions, keep a record of the proceedings of the House to be used in preparation of the daily Journal, and prepare a daily calendar; one House reporter, who shall be a competent stenographer and typist and shall daily take, collate and transcribe and arrange in logical orders such matters and things as are required for the official records and the House Journal and perform all other necessary duties in relation thereto; two roll call and record clerks, who shall prepare the roll calls for printing, and, under the supervision of the docket and calendar clerk, perform such other duties as may be assigned them; one supervisor of proofreading and five proofreaders, who shall have a knowledge of and experience in proofreading, as evidenced by such test as the Committee on Rules may require; one bookkeeper and payroll clerk, who, under the supervision of the Clerk, shall keep the accounts of the House and prepare requisitions for payment of compensation of officers and employees, and bills for services, supplies and contingent expenses; one supply clerk, who shall keep and issue supplies and keep an inventory of all properties, equipment and supplies; one bill editor, who shall read and edit all bills before introduction thereof; one enrolling clerk, who shall serve as clerk to the committee on enrolled bills and shall have some knowledge of and experience in proofreading; one parliamentary clerk, who shall serve as House parliamentarian and assist in the preparation of the House Journal and other publications; and one Journal stenographer, who shall type and compile the House Journal.

(2) For other duties and positions the following:

One supervisor of stenographers and fifteen legislative stenographers, who shall be expert in stenography and typing,

to perform general stenographic and clerical duties for members and committees; eight typists; eight committee clerks, who shall serve as general committee clerks and perform such other duties as may be assigned them; one clerk, one assistant clerk and two stenographers to the Committee on the Judiciary; one clerk, one assistant clerk and one stenographer to the Committee on Finance; one superintendent of the House document room and five document room clerks; one superintendent of the mailing room and three mailing room clerks; two assistant sergeants at arms, one clerk and one secretary to the sergeant at arms; six assistant doorkeepers; one voting machine and sound technician; two public-address system technicians; four pages; one general information clerk; one supervisor of duplicating department and two duplicating machine operators; five collating and file clerks; two cloakroom attendants; and one chief janitor and five assistant janitors.

(3) In addition to the aforegoing, the Speaker may appoint a House chaplain, a secretary, a clerk, a stenographer and, if needed, five general legislative clerks to perform such duties as he shall direct; the majority leader may appoint a secretary and a stenographer; the minority leader may appoint a counsel, a clerk to the minority, an assistant clerk to the minority, a secretary to the minority leader and a stenographer to the minority leader; and the Clerk of the House of Delegates may appoint a secretary, a stenographer and three assistant clerks.

At an extraordinary session of the Legislature, the committee shall recommend only such persons for appointment to positions designated for regular sessions as shall be necessary to perform the duties incident to the work of the session. Such persons as are recommended shall be selected with due regard to experience and qualifications.

All employees of the House shall report each day to the Clerk of the House of Delegates or some person designated by him, and the Clerk shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Sundays excepted, unless excused by the Committee on Rules. All employees shall be on duty daily during such hours as shall be designated by the Committee on

Rules. The appointing authority shall have power to discharge any employee at any time. The word "employee'' as herein used shall include all persons employed by the House.

Notwithstanding the designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties as may be deemed proper to secure the most efficient and expeditious work.

The employees designated herein shall not include personnel required to staff a drafting office or drafting service authorized and maintained by the House. The Speaker shall make such appointments for this purpose as the House shall authorize.

The compensation of all employees shall be fixed by resolution. (HR 22, Reg. Sess., 1963; HR 2, Reg. Sess., 1967; HR 2, Reg. Sess., 1971)

Effect of 1963 amendment. The rule was completely rewritten. A limitation was placed upon the number of persons to be employed by the House during sessions of the Legislature, positions designated and duties prescribed.

Effect of 1967 amendment. The amendment substituted the word "employees'' for the word "attaches'' in paragraph (1).

Effect of 1971 amendment. As a result of the 1970 amendment to the Constitution providing for annual 60-day sessions of the Legislature, the rule was rewritten to remove provisions applicable to the former 30-day sessions. The amendment made changes in the first and second paragraphs of subdivision (3).

Appointment of Committees and Subcommittees

10. The Speaker shall appoint all committees, except when the House shall otherwise order. In appointing standing committees he shall designate a chairman and may designate a vice chairman. In the absence of the chairman of a committee having a vice chairman, such vice chairman shall preside, and if there be no vice chairman, the committee shall elect a temporary chairman. When the House authorizes the appointment of a committee, the Speaker may wait until the next legislative day to appoint the same.

The Speaker may also name subcommittees of standing committees, prescribe their jurisdiction and designate the

chairmen thereof. Legislative proposals and other business coming within the prescribed jurisdiction of any established subcommittee of a standing committee shall upon being committed to such standing committee be referred by the chairman thereof to the appropriate subcommittee. Reports of subcommittees shall be made to the committee and not to the House. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The last paragraph was added to the rule.

Chairman of Committee on Rules

11. The Speaker shall be ex officio member and chairman of the Committee on Rules.

Acts and Writs Signed by the Speaker

12. All acts shall be signed by the Speaker; and all writs, warrants and subpoenas issued by the order of the House or any committee having authority to issue same shall be under his hand and attested by the Clerk.

Putting Questions

13. The Speaker shall rise to put a question but may state it sitting.

Vote of the Speaker

14. In all cases of a call of the yeas and nays, the Speaker shall vote, unless excused; in other cases he shall not be required to vote unless the House is equally divided, or unless his vote, if given to the minority, will make the division equal and in case of such equal division the question shall be lost. When the yeas and nays are taken, the Speaker's name shall be called last.

Examination of Journal

15. It shall be the duty of the Speaker to examine the Journal of the House, daily, before it is read and cause all errors and omissions therein to be corrected.

CLERK, SERGEANT-AT-ARMS AND DOORKEEPER CLERK

Clerk to Have Charge of Clerical Business of House

16. The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

Duties of Clerk

17. It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by yeas and nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House, and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and employees, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, the engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The word "employees" was substituted for "attaches."

Clerk to Have Custody of All Records

18. The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Appointment of Assistants

19. The Clerk may appoint such assistants and other personnel as is authorized by Rule 9, and shall have the power to remove any appointee and appoint another in his stead. (HR 22, Reg. Sess., 1963)

Effect of 1963 amendment. The amendment brought the rule into conformity with Rule 9.

Clerk to Have Charge of All Printing

20. The Clerk shall have supervision and charge of all printing done for the House and the public printer shall print only such documents and other matter as the Clerk authorizes.

Payment for Printing

21. The public printer shall have all bills for printing approved by the supervisor of public printing and then present the same to the Clerk who shall draw his warrant or requisition for same upon the Auditor payable from the Legislative Printing Fund. The supervisor of public printing shall see that all bills are in accordance with the state contract for legislative printing before he approves their payment. A copy of all bills for printing shall be furnished the Clerk by the public printer.

SERGEANT-AT-ARMS

Duties

22. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their

sittings and to maintain order under the direction of the Speaker. He shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the Speaker.

Under the direction of the Speaker, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the Speaker for the purpose of maintaining order of the Hall of the House, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors, and shall see that the janitors and cloak-room attendants perform their duties, and see that the House Chamber is properly ventilated, heated, and lighted.

DOORKEEPER

Duties

23. It shall be the duty of the Doorkeeper to attend the House during its sessions, and to announce all messages. He shall have charge of the main door of the Chamber during the sittings of the House, and shall see that the other doors are properly attended; have general charge and oversight of the assistant doorkeepers; detail such assistant doorkeepers for such general or special duties as the Sergeant at Arms may deem proper; assist the Sergeant-at-Arms in seeing that the rules relating to admission to the floor are strictly enforced, and shall perform such other duties as the Speaker or the House may order.

RIGHTS AND DUTIES OF MEMBERS

Absence From the House

24. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend,

but any member who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath shall be excused from attending upon the House on that day.

Every Member to Vote

25. Every member present when a question is put, or when his name is called, shall vote unless he is immediately and particularly interested therein, or the House excuses him. A motion to excuse a member from voting must be made before the House divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion may briefly state the reason therefor.

Members Shall Be in Places When Voting

26. While the yeas and nays are being taken every member shall be in his seat, and during the session of the House no person other than a member shall occupy the chair of a member.

Quorum

27. A majority of all the members elected to the House shall be necessary to proceed to business; seven members may adjourn, and ten members may order a call of the House, send for absentees, and make any order for their censure or discharge. On a call of the House, the doors shall not be closed against any member until his name shall have been called twice. [Const., Art. VI, §32.]

When Less than Quorum Present

28. In case a number less than a quorum of the House shall convene, they are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the House, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the House. This rule shall apply to the first meeting of the House, at the legal time of meeting, as well as

to each day of the session after the hour has arrived to which the House stood adjourned.

Taking Members into Custody

29. No member of the House shall be taken into custody by the Sergeant at Arms, on any question of complaint of breach of privilege, until the matter is examined by the Committee on Rules, and reported to the House of Delegates, unless by order of the Speaker of the House of Delegates. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. Committee on Rules was substituted for Committee on Elections.

Punishment of Members

30. The House of Delegates may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense. [Const., Art. VI, §25.]

Providing for Undisturbed Transaction of Business

31. The House of Delegates may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session. [Const., Art. VI, §26.]

ORDER AND DECORUM IN DEBATE

Recognition and Decorum

32. When a member is about to speak in debate or deliver any matter to the House, he shall rise in his place and respectfully address the presiding officer as "MR. SPEAKER," and, upon being recognized, shall proceed, confining himself to the question under debate, avoiding all personalities and indecorous or disrespectful language.

When a member arises and addresses the Chair, the Speaker may recognize him by name; but no member in debate shall designate another by name.

Recognition by the Chair

33. When two or more members shall rise at the same time, the Speaker shall name the one who is to speak first, and his decision shall be final and not open to debate or appeal. However, in all other cases the member who shall rise first and address the Chair shall be first recognized.

Mover of Question to Have Preference in Debate

34. No question shall be debated until it has been propounded by the Speaker, and then the mover of the question shall have the right to open and close the debate thereon.

Member Out of Order

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member so called to order, he is at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may properly impose.

Calling to Order for Words Spoken in Debate

36. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to and they shall be taken down at the Clerk's table. And no member shall be held to answer, or be subjected to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened after the words where spoken and before the exception to them was taken.

Decorum During Debate

37. While the Speaker is putting a question, ascertaining the result, or addressing the House, no one shall walk out of or across the House; and when a member is speaking, no one shall engage in conversation or pass between him and the Speaker.

Limitation on Debate

38. No member shall speak except in his place, and not more than twice on a question, except by leave of the House. And if a question be pending at the time of an adjournment and is renewed on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the House. The House by majority vote may limit debate on any question.

Members Not to Be Disturbed While Speaking

39. No one shall disturb or interrupt a member who is speaking, without his permission, except to call to order if he be transgressing the rules.

Speaking Before Negative Is Put

40. When the Speaker is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

PUTTING QUESTIONS AND VOTING

Putting Questions; Division

41. All questions on which the yeas and nays are not taken shall be put distinctly in this form, to wit: "As many as are in favor [as the question may be] say 'Aye'," and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the Speaker be in doubt as to the result, or if a division is called for by any member, the House shall divide. Those in the affirmative of the question shall first rise from their seats and be counted, and afterwards those in the negative. The count may be made by the Speaker, or, if he so

directs, by the Clerk, or two members, one from each side, to be named for that purpose by the Speaker. When the result is ascertained, the Speaker shall rise and state the decision of the House. Such vote shall not be printed in the Journal unless the yeas and nays are called for by one tenth of the members present. (HR 3, 1st Ex. Sess., 1968)

Effect of 1968 amendment. The language of the rule was modified slightly.

Yeas and Nays

42. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of bills on third reading; on the passage of a House bill amended by the Senate; on all questions where a specific vote is required by the Constitution, the joint rules of the Senate and House of Delegates, or by these rules; on quorum calls; and on questions when called for by one tenth of the members present.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, and the names of the Delegates voting yea or nay, whichever is the smaller number, and the names of Delegates absent and not voting shall be inserted on the Journal. The names of Delegates omitted shall constitute the vote on the prevailing side.

On all roll calls, when the voting machine is not used, before the result is announced, the Clerk shall read to the House the names of those who voted in the affirmative or in the negative, whichever is the smaller number, and announce the names of those absent and not voting, at which time any member may correct a mistake committed in taking down his vote. The result shall then be announced, but if the House so orders, the announcement of the result may be postponed to the succeeding day, with liberty to absent members at any time before the result is announced by the Speaker, to appear

and vote "Aye" or "No," in the presence of the House; and any member may, in the presence of the House, change his vote before the result is announced.

When the yeas and nays are called for by a member on any question, the Speaker shall hold this demand in abeyance until debate has closed upon the question under consideration, or until the previous question has been moved and sustained.

Upon calls of the House, in taking the yeas and nays, the names of the members shall be called alphabetically, except the name of the Speaker shall be called last. (HR 19, Reg. Sess., 1945; HR 3, 1st Ex. Sess., 1968; HR7, Reg. Sess., 2007)

Effect of 1945 amendment. Eliminated requirement for Clerk to read names of persons voting in the affirmative and the negative on roll calls when the voting machine is used, and prescribes when Speaker shall put demand for yeas and nays.

Effect of 1968 amendment. The amendment rewrote the rule.

Effect of 2003 amendment. Provides for the taking of the yeas and nays on the passage of all bills and clarifies that one roll call is sufficient to pass a group of bills on third reading, Consent Calendar.

Effect of 2007 amendment. Removed the provision covering one roll call vote to pass third reading Consent Calendar bills and restated that a roll call is to be taken on all bills on third reading.

Pairs

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank form of pair for use of members shall be provided by the Clerk. No pair shall be recognized unless made in person by the member signing the same, nor unless one or both of the parties thereto are absent.

Division of Question

44. Any member may call for a division of any question before the vote thereon is taken, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition will remain for the decision of the House, but the member calling for the division of a question

shall state in what manner he proposes it shall be divided. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert.

Calling of Yeas and Nays

45. No member or any person shall visit or remain by the Clerk's table while the yeas and nays are being called.

Tie Vote Loses Question

46. In all cases when the House is equally divided, the question shall be lost.

Verification of Vote

47. When a question upon which the yeas and nays have been taken has prevailed or failed by not more than five votes, the Speaker may, upon request of five members, order a verification of the vote. During such verification, no member shall change his vote unless it was erroneously recorded, nor may any member not having voted cast a vote. A verification must be called for immediately after a vote is announced and before any other business has intervened.

Explanation of Vote

48. No member shall be allowed to make any explanation of his vote during the taking of the yeas and nays; but after the roll has been called and the vote announced, any member may explain his vote and the explanation shall be recorded in the Journal if he requests it. The Speaker may limit the time allowed members for explaining votes.

When Members Not to Vote

49. When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting. This disqualifying interest must be such as affects the member directly and not as one of a class. (HR 23, Reg. Sess. 1977)

Effect of 1977 amendment. Provided that disqualifying interest must affect member directly and not as one of a class.

Voting by Machine

49a. A voting machine may be used in taking the yeas and nays on any question, for quorum calls and for determining the result when a division is demanded. When a vote is to be taken on the voting machine, the Speaker shall announce the question to be voted upon and direct the Clerk to prepare the machine. The Clerk shall then sound the gong which shall be notice to all members to vote. After reasonable time has been given all members to vote the Speaker shall ask the question, "Have all members voted?," vote himself, if the vote being taken is upon a question on which he is required to vote, and then direct the Clerk to close the machine and ascertain the result. As soon as this is done, the Clerk shall hand the record of the vote to the Speaker and he shall promptly announce the result. No vote may be changed after it has been recorded.

No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be expelled as a member of the House or punished in such other manner as the House may determine. If a person not a member shall vote or attempt to vote for any member, he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine. (HR 1, 1st Ex. Sess., 1936)

MOTIONS

Stating the Question

50. When a motion is made, it shall be stated by the Speaker; or, being in writing, it shall be passed to the desk and read aloud by the Clerk before debate.

Form of Motion

51. Every motion, except subsidiary or incidental motions, shall be reduced to writing, if the Speaker or any member desires it; but this exception shall not apply to motions to amend.

Withdrawal of Motions

52. After a motion is stated by the Speaker or read by the Clerk, it is deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment, unless the previous question has been ordered, in which case it can only be withdrawn by leave of the House.

Order and Precedence of Motions

53. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone to a day certain.
5. To go into a Committee of the Whole on the pending question immediately.
6. To commit to a Committee of the Whole.
7. To commit to a Standing Committee.
8. To commit to a Select Committee.
9. To amend.
10. To postpone indefinitely.

These several motions shall have precedence in the order in which they are arranged. A motion to strike out the enacting clause of a bill shall have precedence of another motion to amend; and if carried, the bill is rejected.

Motion to Adjourn

54. A motion to adjourn shall always be in order, except when the House is voting, or while a member is addressing the House, or when no business has been transacted since the motion to adjourn has been defeated.

Motions Not Debatable

55. The following motions shall be decided without debate and shall not be amended:

1. To adjourn.
2. To fix the time to which the House shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three several days.
6. To recess.

Motions Not in Order

56. No motion directing the appropriation or payment of money shall be in order.

Effect of Indefinite Postponement

57. When a question is postponed Indefinitely, it shall not be again acted on during the session.

Motion to Reconsider

58. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider. If the House refuse to recon-

sider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table, or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next day of actual sitting of the House. A motion to reconsider shall not be withdrawn without leave of the House.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the House until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the House, shall be in order, unless subsequently recalled by vote of the House and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the House the original question in the exact position it occupied before it was voted upon. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The amendment rewrote this rule.

Debate on Motions to Reconsider

59. Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. Where debate upon a motion to reconsider is in order, no member shall speak more than once nor for a longer period than three minutes.

Reconsideration of Question Requiring More Than Majority Vote

60. When a majority of members present vote in the affirmative on any question, but the question be lost because

it is one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision, any member may move for a reconsideration.

Effect of Motion to Table

61. A motion to lay on the table shall only have the effect of disposing of the matter temporarily, and may be taken from the table at any time after the eighth order of business has been passed.

Motion Must Be Germane

62. No motion on a subject different from that under consideration shall be admitted under color of amendment.

Previous Questions

63. When any question is before the House, any member being in order and having the floor may move the previous question, but such motion to be put must be sustained by being seconded by ten members. The question being moved, the Speaker shall say, *"Is the motion sustained?"* and those favoring the motion shall rise. If a sufficient number arise, the previous question shall be thereby seconded, and the question shall then be put in this form, *"Shall the main question be now put?"* If this question be decided in the affirmative by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered, except when the motion applies to the main question, the member in charge of the measure under consideration shall have five minutes to close the discussion before the vote is taken; and when the motion applies to an amendment, the person proposing the amendment shall have three minutes to close the discussion on the amendment. Should the previous question be decided in the negative, the House shall proceed with the matter before it as though the previous question had not been moved.

When a member moves the previous question, he shall specifically state in his motion whether it shall apply to the main question and the amendments or to the amendment or amendments only.

The previous question shall not be admitted in the Committee of the Whole.

MEETING OF THE HOUSE

Time of Meeting

64. The House shall meet every day, except Sunday, unless it shall be otherwise directed by special order, precisely at the hour to which it shall have adjourned at its last sitting; but if no hour were fixed at such sitting, then at two o'clock P.M.

ORDER OF BUSINESS

Daily

65. The daily order of business shall be as follows:

I. To read, correct, and approve the Journal.

II. Introduction of guests.

III. To receive and consider reports of standing committees.

IV. To receive and consider reports of select committees.

V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.

VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.

VII. To receive (a) resolutions, (b) petitions, (c) motions.

VIII. Bills introduced on motion for leave and referred to appropriate committees.

IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no

resolution shall lose its place on the calendar by not being acted upon on the day following on which it was offered.

X. House and Senate Bills on third reading.

XI. House and Senate Bills on second reading.

XII. House and Senate Bills on first reading.

XIII. To act upon leave of absence for members.

XIV. Remarks by members of the House. Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session.

XV. Miscellaneous business

(HR 10, Reg. Sess., 2001, HR 3, Reg. Sess., 2002)

Effect of 2001 Amendment. Item II language was added, and original item II was moved to the end of the order, appearing as XIII.

Effect of 2002 Amendment. Item XIV language is new, and original item XIV was moved to the end of the order, appearing as XV. Also, after the forty-seventh day of a regular session, there will not be an order of business for remarks of members.

Recess for Introductions

65a. Upon the request of any member, the Speaker may, not more than twice daily, order a recess for the purpose of introductions. During such recess any member, upon recognition, may introduce to the House citizens seated in the galleries. No such introduction shall exceed one minute in any case nor shall such recess exceed five minutes without leave of the Speaker. Rules of order and decorum shall remain in force during such recess as if the House is in session. (HR 33, Reg. Sess., 1978)

Effect of 1978 Amendment. Provided for introductions to the House of citizens in the galleries.

Priority of Business

66. All questions relating to priority of business shall be decided without debate.

Special Orders

67. Any subject made a special order of business shall be laid before the House by the Speaker, or may be called up by any member, when the time fixed for its consideration arrives. If not called up or acted upon at the time fixed, it shall lose its standing as a special order.

Reports and Messages Receivable at Any Time

68. Messages from the Governor and Senate, communications and reports from state officers, reports from the Committee on Rules, reports from the Committee on Enrolled Bills, and reports of Conference Committees may be received at any time when the House is not actually engaged in taking a vote on some question, in which case it shall be received as soon as the result of the vote is announced. When received it shall be disposed of as the House may direct. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. Reports from the Committee on Elections were removed from the rule due to another amendment abolishing this committee and transferring its jurisdiction with respect to questions involving the election and qualification of members to the Committee on Rules.

Consideration of Local Bills

69. Local bills shall be placed upon a special calendar to be known as the Local Bill Calendar, and on Friday of each week, after the ninth order of business is passed, shall be taken up and disposed of before any other business is acted upon: *Provided,* That this rule shall not prohibit the consideration of local bills at such times as the House may determine after the last Friday within the constitutional duration of the regular sessions of the Legislature. (HR 23, Reg. Sess., 1937)

Effect of 1937 amendment. The amendment added the proviso providing for consideration of local bills after the last Friday of a session.

Special Calendar

70. The House may by resolution authorize the Committee on Rules to arrange a special daily calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

Consent Calendar

70a. Rescinded by H. R. 6, January 16, 2007.

Effect of 2007 amendment. The Rule was completely abolished.

COMMITTEES

Kinds of Committees

71. Committees may be of four kinds, namely: Committee of the Whole House, Standing Committees, Select or Special Committees, and Conference Committees.

Committee of the Whole

72. The House may resolve itself into a Committee of the Whole at any time on the motion of any member, and in forming a Committee of the Whole, the Speaker shall leave the chair and a chairman shall be appointed by him to preside over said committee. It shall consider and report on such subjects as may be committed to it by the House. The proceedings in Committee of the Whole shall not be recorded on the Journal except so far as reported to the House by the Chairman of the Committee.

Rules of Proceeding in the Committee of the Whole

73. The rules of proceeding in the House shall be observed, as far as practicable, in Committee of the Whole, except that any member may speak oftener than twice on the same subject, but he shall not speak a second time until every member desiring to speak shall have spoken; nor shall a motion for the previous question nor a motion to lay on the table or to adjourn be made therein. The yeas and nays need not be taken in Committee of the Whole. Consideration of Bills in Committee of the Whole

74. Upon demand by any member, bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments made shall be noted by the Clerk and reported to the House by the Chairman. After being reported to the House, the bill shall again be subject to amendment before a vote on the report is taken.

Motion to Rise Decided Without Debate

75. A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

Standing Committees

76. At the commencement of each Legislature, the Speaker shall appoint the standing committees established by this rule. The Speaker shall refer bills introduced, resolutions offered, and messages, petitions, memorials and other matters presented to such committee as he shall deem appropriate to consider and report thereon.

Standing committees are hereby created as follows:

1. Committee on Agriculture

2. Committee on Banking and Insurance

3. Committee on Constitutional Revision

4. Committee on Education

5. Committee on Finance

6. Committee on Government Organization

7. Committee on Health and Human Resources

8. Committee on Energy, Industry and Labor, Economic Development and Small Business

9. Committee on Interstate Cooperation

10. Committee on the Judiciary

11. Committee on Natural Resources

12. Committee on Pensions and Retirement

13. Committee on Political Subdivisions

14. Committee on Roads and Transportation

15. Committee on Rules

16. Committee on Senior Citizen Issues

17. Committee on Veterans' Affairs and Homeland Security

(HR 13, Reg. Sess., 1945; HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1967; HR 4, Reg. Sess., 1977; HR 6, Reg. Sess., 1981; HR 24, Reg. Sess., 1986; HR 2, Reg. Sess. 2001; HR 2, Reg. Sess., 2003; HR 2, Reg. Sess., 2005; HR1, Reg. Sess., 2009)

Effect of 1945 amendment. Established a Standing Committee on Veterans' Affairs.

Effect of 1947 amendment. Reduced number of standing committees from 29 to 24; changed the membership of committees from not less than seven nor more than twenty-five to not less than eleven nor more than twenty-five; and changed the number of members of the Committee on Rules from seven to not less than five nor more than nine.

Effect of 1967 amendment. The principal change was the reduction of the number of standing committees from 24 to 13. Some provisions of the old rule were embodied in amendments to other rules made at this time.

Effect of 1977 amendment. Established a Standing Committee on Government Organization.

Effect of 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of 1986 amendment. Changed Committee on Health and Welfare to Health and Human Resources.

Effect of 1996 amendment. Established the Committee on Veterans' Affairs. (HR 4, Reg. Sess., 1996)

Effect of 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of 2003 amendment. Renamed the Committee on Veterans' Affairs the Committee on Veterans' Affairs and Homeland Security.

Effect of 2005 amendment. Added the Committee on Pensions and Retirement as a Standing Committee of the House.

Effect of 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues as a Standing Committee of the House.

Jurisdiction of Committees

77. In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. *Committee on Agriculture:* (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of seeds, commercial

feeding stuffs and commercial fertilizer, processed foods, insect pests and pesticides, soil conservation, milk and milk products, meats and meat products, agricultural extension service, entomology and plant quarantine, poultry and poultry products, and human nutrition and home economics.

2. *Committee on Banking and Insurance:* (a) Banks and banking, and financial institutions generally; (b) control and regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. *Committee on Constitutional Revision:* (a) Proposals to amend the Constitution of the United States or the Constitution of the State; and (b) legislation relating to constitutional conventions.

4. *Committee on Education:* (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

5. *Committee on Finance:* (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. *Committee on Government Organization:* (a) Legislation and proposals dealing with the Executive Department of state government with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and agencies; and (b) measures relating to the Legislative Department, other than apportionment of representation and redistricting for the election of members of the two houses.

7. *Committee on Health and Human Resources:* (a) Public health and public welfare generally; (b) mental health; (c)

public and private hospitals and similar institutions; (d) prevention and control of communicable and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

8. *Committee on Energy, Industry and Labor, Economic Development and Small Business:* (a) Energy matters generally; (b) Employment and establishment of industry; (c) labor standards; (d) labor statistics; (e) mediation and arbitration of labor disputes; (f) wages and hours of labor; (g) child labor; (h) safety and welfare of employees; (i) industry and labor generally; (j) infrastructure; (k) small business; (l) e-commerce; (m) e-government; (n) economic development; and (o) job creation.

9. *Committee on Interstate Cooperation:* Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

10. *Committee on the Judiciary:* (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h) domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; and (k) other matters of a nature not deemed properly referable to any other standing committee.

11. *Committee on Natural Resources:* Natural resources in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

12. *Committee on Pensions and Retirement:* (a) Continuing Study and investigation of retirement benefit plan of the State and political subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension planning and operation; and (d) analyzing each item of proposed pension and retirement legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

13. *Committee on Political Subdivisions:* (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in the House; and (c) division of the State into districts for the election of representatives to Congress.

14. *Committee on Roads and Transportation:* (a) Highways, public roads, railway, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; and (e) regulation of motor carriers of passengers and property for hire.

15. *Committee on Rules:* (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals; and (i) sale of food and administration and assignment of office space in the House wing of the Capitol.

16. *Committee on Senior Citizen Issues:* Proposal, revision and recodification of statutory provisions relating to all senior citizen issues.

17. *Committee on Veterans' Affairs and Homeland Security:* (a) Veterans' measures generally; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally

affecting the health and welfare of veterans, and (e) measures relating to detection, protection against, response to, and recovery from terrorist attacks, internal or external. (HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1967; HR 4, Reg. Sess., 1977; HR 6, Reg. Sess., 1981; HR 24, Reg. Sess., 1986; HR 2, Reg. Sess., 2001; HR 2, Reg. Sess., 2003; HR 2, Reg. Sess., 2005; HR1, Reg. Sess., 2009)

Effect of 1947 amendment. This rule originally prescribed the duties of the Committee on Elections and Privileges. The 1947 amendment changed the name to Committee on Elections.

Effect of 1967 amendment. This amendment abolished the Committee on Elections and transferred its functions to the Committee on Rules and revised the rule to include jurisdiction of all standing committees.

Effect of 1977 amendment. Created the Committee on Government Organization and prescribed its duties.

Effect of 1981 amendment. Removed Committee on State and Federal Affairs from Standing Committees.

Effect of 1986 amendment. Changed Committee on Health and Welfare to the Committee on Health and Human Resources.

Effect of 1996 amendment. Created the Committee on Veterans' Affairs.

Effect of 2001 amendment. Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

Effect of 2003 amendment. Changed the name of the Committee on Veterans' Affairs to the Committee on Veterans' Affairs and Homeland Security and sets forth its duties and jurisdiction.

Effect of 2005 amendment. Added the Committee on Pensions and Retirement and sets forth its duties and jurisdiction.

Effect of 2009 amendment. This amendment separated the Committee on Agriculture and Natural Resources into two separate committees and set forth their duties. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues and prescribed its duties.

Composition of Committees

78. The Committee on Rules shall consist of not less than seven nor more than twenty members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule

29 or in such number as may be determined by the Speaker. (HR 4, Reg. Sess., 1947; HR 2, Reg. Sess., 1957; HR 22, Reg. Sess., 1963; HR 2, Reg. Sess., 1967; HR 6, Reg. Sess., 1997; HR 2, Reg. Sess., 2001; HR 2, Reg. Sess. 2003; HR 2, Reg. Sess., 2005; HR1, Reg. Sess., 2011)

Effect of 1947 amendment. The rule was completely rewritten and the jurisdiction of the committee expanded and delineated.

Effect of 1957 amendment. At this time the number of members of the Committee on Rules was contained in Rule 76 at not less than five nor more than nine. The amendment changed the number to not less than seven nor more than twelve, and included the Speaker, majority leader and minority leader within the committee membership.

Effect of 1963 amendment. The rule was rewritten expanding and detailing the duties and jurisdiction of the Committee on Rules. Among new duties given the committee were prescribing qualifications and recommending persons to fill positions under Rule 9.

Effect of 1967 amendment. The amendment rewrote the rule fixing membership of all standing committees.

Effect of 1997 amendment. The amendment increased the maximum number of members of the Committee on Rules from twelve to fourteen.

Effect of 2001 amendment. The amendment decreased the maximum number of members of the Committee on Rules from fourteen to twelve.

Effect of 2003 amendment. The amendment increased the maximum number of members of the Committee on Rules from twelve to sixteen.

Effect of 2005 amendment. The amendment increased the membership of the Committee on Rules to eighteen and specified that the Speaker may set the number of members on the Committee on Pensions and Retirement.

Effect of 2011 amendment, The amendment increased the maximum number of members of the Committee on Rules from eighteen to twenty.

Duties of Committees

79. The several standing committees shall not only consider matters specifically referred to them, but whenever deemed practicable suggest such legislation as will provide upon general principles for all similar cases. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. This rule, originally dealing with duties of the Committee on Finance, was rewritten and made applicable to standing committees generally.

Bill Not to Be Divided among Committees, Speaker May Direct Second Reference

80. A bill may not be divided among two or more committees although it may contain matters properly within the jurisdiction of several committees, but must be referred to one committee as an entirety. When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it he may direct that when the committee to which it is referred completes its consideration thereof and makes a recommendation with respect thereto, the committee's report shall also recommend that it be referred to the committee as previously directed by the Speaker. When a bill is so reported, it shall automatically be referred as directed, unless by unanimous consent the House shall dispense with such second reference. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. This rule, originally applicable to the Committee on Claims only, was rewritten.

Report of Committees

81. The several standing committees shall have leave to report by bill or otherwise. All committees shall submit their reports to the House in writing, and the same shall be printed in the Journal. Reports of committees shall be advisory only. Committee chairmen shall see that the originals of all bills, resolutions, and such other documents as are referred to them are returned to the House, with the report upon the matter to which they pertain. (HR 4, Reg. Sess., 1947)

Effect of 1947 amendment. Originally this rule dealt with functions of the Standing Committee on Executive offices and Library, which was rescinded by the amendment and successive rules renumbered.

Discharging Committee from Consideration of Bill

82. When a bill or resolution has been in the hands of a committee five legislative days after having been referred to it, the committee may be discharged from further consideration of the bill or resolution by a majority vote of all the members present. The chairman of a committee may move that his committee be discharged from consideration of the matter at any time after commitment, and after the fiftieth day

of the session any member may move to discharge a committee from consideration of any bill or resolution at any time after the same has been referred to it.

Committee Meetings

83. Meetings of all committees shall be upon a call of the chairman, but no committee shall sit during a session of the House without leave of the House. It shall be the duty of the chairman of a committee to announce, or have announced, from the floor of the House, or by the Speaker or Clerk, during the session of the House, the time and place of the next meeting of the committee, and at such time, if practicable, announce the bills, resolutions or other business to be considered at such meeting. In case of failure of the chairman of any committee to call a meeting of such committee upon the request of a member, then fifty percent or more of the members of such committee shall have a right to call a meeting of such committee.

Notwithstanding any other rule to the contrary, on motions to report a bill or a resolution to the House, to table a bill or a resolution or to postpone consideration of a bill or a resolution Indefinitely, the clerk of the committee shall make a record of the vote and following adjournment of the meeting make available to the public a list showing those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting.

All meetings of standing committees shall be open, except a standing committee may, by majority vote of the members present, hold an executive session for the specific purposes of: (1) Conducting committee discussion of legislative personnel; (2) conducting committee discussion of state government personnel; (3) consideration of and action on charges against a member of the House; or (4) where such meetings involve compiling information, investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons: *Provided,* That the Committee on Rules, while holding an executive session for the specific purposes of (1), (2), (3) and (4) above, shall by roll call vote record any

definitive action and shall make such vote record available to the public.

In no other instances shall a vote be taken while a standing committee is holding an executive session. (HR 27, Reg. Sess., 1965; HR 5, Reg. Sess., 1970; HR 5, Reg. Sess., 1971; HR 11, Reg. Sess., 1975; HR 7, Reg. Sess., 1976)

Effect of 1965 amendment. A provision was added at the end of the rule providing that no one not a member except the Clerk should be present in a committee when a vote was taken.

Effect of 1970 amendment. The provision of the rule prohibiting anyone other than the clerk of a committee to be present when a vote was taken was changed to provide that all committee meetings except executive sessions should be open to the public.

Effect of 1971 amendment. The last paragraph of the rule was added by the amendment.

Effect of 1975 amendment. Inserted word "resolution" in the first two paragraphs following the word "bills", and added the last paragraph as shown in the text above.

Effect of 1976 amendment. Deleted paragraph providing for executive session to set special daily calendar.

Committee Hearings

84. On written request of the introducer of a bill or any interested person or organization, timely made to the Chair or clerk of a committee, a public hearing shall be held on any measure on the official agenda of the committee. A request for a public hearing shall only be proper in any committee to which the measure has been referred before the bill is explained. If the request for a public hearing be made after the committee agenda has been published, the Chair of the Committee may either remove such measure from the agenda and schedule the hearing to be held no sooner than the second calendar day following publication of the notice of public hearing, or may proceed with consideration of such measure in committee in which case a public hearing shall be held by a subsequent committee to which the measure has been referred, if any, no sooner than the second calendar day following publication of the notice of the public hearing. If such measure on which a public hearing is requested as aforesaid be reported to the floor, and no public hearing has been held by a committee prior to such measure being reported to the floor, the Chair of the Committee shall schedule a public hearing no sooner than the second calendar

day following publication of notice of the public hearing, but prior to the measure being considered for passage. For purpose of this Rule 84, publication of notice of public hearing shall been deemed to have been effective when the public hearing has been announced on the floor of the House. The subject, time and location of any public hearing shall also be placed on the legislative website.

The Chair of the Committee may limit the time of proponents and opponents at such hearing.

The hearing may be conducted by the entire committee or a subcommittee thereof, as the committee shall direct.

When a bill is referred to more than one committee, no more than one hearing shall be required when properly and timely requested under the provisions of this rule; *Provided*, That a public hearing request made after the 43rd day on House bills or after the 53rd day on House bills or after the 53rd day on Senate bills shall not be in order unless such bill is originated in committee, in which case the request for a public hearing shall be granted and the public hearing shall be scheduled in accordance with this Rule: *Provided further,* That after the 43rd day, in order to conduct the business of the House in a timely and efficient manner, the House may, by a vote of majority of the member present, limit the number and length of public hearings, if there are public hearing requests pending for more than five bills in any committee. (HR 27, Reg. Sess., 1965; HR2 Reg. Sess., 1971; HR6, Reg. Sess., 2002; HR44 Reg. Sess., 2012).

Effect of 1965 amendment. The amendment provided for committee hearings to be held either by the full committee or a subcommittee and directed that all hearings should be open to the public.

Effect of 1971 amendment. The amendment rewrote the first paragraph and added the second paragraph.

Effect of 2002 amendment. Clarifies when public hearings shall be held and eliminates the necessity of holding duplicate hearings.

Effect of 2012 amendment. The amendment completely rewrote the rule, setting forth details for requests for and the holding of, public hearings.

Witnesses Before Committees

84a. Every committee of the House shall have authority upon its own motion to administer oaths to any witness

appearing before the committee at any hearing or during the deliberations of any committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the House and upon motion duly made by any member of the House, the House may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the witness may be questioned by the chairman and any member of the committee. The Clerk of the House, the chairman of the committee and in the absence of the chairman, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

No committee shall invoke this rule unless in the judgment of a majority of members appointed to the Committee special circumstances so require. (HR 15, Reg. Sess., 1976)

Effect of 1976 amendment. The amendment gave each committee the authority to administer oaths to witnesses and provided for the issuance of subpoenas by the House.

Committee Clerks

85. The Speaker shall assign to the various committees such clerks and other clerical and stenographic help as may be necessary to properly carry on the work of the committees. Committee clerks shall keep such records and perform such duties as the chairmen of the respective committees may direct.

Committee Records

86. The chairman of each committee shall keep, or cause to be kept, a record in which there shall be entered:

(a) The time and place of each hearing, and of each meeting of such committee.

(b) The attendance of committee members at each meeting.

(c) The names and addresses of all persons appearing before the committee, with the name of person, persons, firm or corporation, and addresses, in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a yea and nay vote is taken.

Such a record shall be read and approved at the next regular meeting of the committee. The committee records shall be open to inspection of the public at proper times and places and at the close of the session shall be filed with the Clerk of the House.

Committee Quorum; Subcommittees

87. A majority of any committee shall constitute a quorum for the transaction of business. A subcommittee, which shall report to the regular committee, may be appointed to consider and report to the committee on any matter referred to it.

Minority Views

88. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the Journal, and said recommendation may, by a vote of the House, be substituted for and become the report of the committee.

House Rules to Govern Committee

89. The rules governing the proceedings of the House shall apply to the proceedings of the committee, insofar as the same are applicable.

Select or Special Committees

90. Select or special committees may be provided for on motion or resolution, designating the number and object, and, unless otherwise ordered, shall be appointed by the Speaker.

Conference Committees and Reports

91. All reports of conference committees shall be presented after having been signed by a majority of the conferees of each House and be printed in the Journal. No matter shall be considered by said committee, or reported upon by it, except that in disagreement between the two houses.

BILLS, RESOLUTIONS AND PETITIONS

BILLS AND JOINT RESOLUTIONS

Time Limit on Introducing

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in a House standing or select committee, shall be introduced in the House after the forty-first day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The forty-first day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. When permission is requested to introduce a joint resolution or bill under the provisions of this rule, quadruplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced. (HR 22, Reg. Sess., 1981; HR 17, Reg. Sess., 1994; HR 11, Reg. Sess., 1995).

Effect of 1981 amendment. The rule was rewritten in order to provide for introduction of House bills after the fiftieth day by a simple House resolution rather than a concurrent resolution. The rule also provides that bills may originate in committee after the fiftieth day.

Effect of 1994 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the fiftieth.

Effect of 1995 amendment. The rule was changed to set the last day for bill introduction at the forty-fifth day of the session, instead of the forty-first.

Effect of 2008 amendment. The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the forty-fifth.

Method of Introducing

92. Bills for introduction in the House on the opening day of any session of the Legislature may be filed with the Clerk not later than the day preceding the opening of such session. During sessions bills to be introduced shall be filed with the Clerk not later than 12:00 o'clock meridian on the legislative day next preceding their introduction. Before formal introduction, the Clerk shall number such bills as are presented and

edit and correct them as to form. When the time for introducing bills is reached in the regular order of business, the Clerk shall report each of said bills by title in the same manner as if it were introduced from the floor. This rule shall not deny a member the right to introduce a bill from the floor in case of urgency. (HR 26, Reg. Sess., 1963; HR 3, 1st Ex. Sess., 1968; HR 3, Reg. Sess., 1972)

Effect of 1963 amendment. The "fiscal note" rule was added.

Effect of 1968 amendment. The amendment changed the time for filing bills for introduction from 4:00 P.M. to 12:00 Noon.

Effect of 1972 amendment. The amendment rewrote the rule, the principal change being to remove the "fiscal note" provisions from this rule and place them in a new rule, 95a.

Bill Carryover

92a. Any bill or joint resolution pending in the House at the time of sine die adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed Indefinitely by the House, shall carry over in its original form to the Second Regular Session only at the request of the first-named sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than ten days prior to the commencement of the session.

After receiving notice from the first-named sponsor of his or her intent to carry over the bill, the Clerk of the House shall notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution solely sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session. (HR 2, Reg. Sess., 1988; HR 12, Reg. Sess., 1996)

Effect of 1988 amendment. Allows House bills or joint resolutions pending at the time of sine die adjournment of the 1st Regular Session to carryover to the 2nd Regular Session.

Effect of 1996 amendment. Allows bill or joint resolution to be carried over at the request of the first-named sponsor. Allows cosponsors to have ten days after date of notice to notify Clerk to have their name removed.

Bills to Be Presented in Duplicate

93. All bills for introduction shall be presented in duplicate bearing the name of the first-named sponsor and the name or names of all cosponsors by whom they are to be introduced. The original copy shall constitute the official bill for use of committees and for the permanent files of the House, and one copy shall be for the Clerk's office files. (HR 3, 1st Ex. Sess., 1968; HR 12, Reg. Sess., 1996; HR29, Reg. Sess., 2011)

Effect of 1968 amendment. The amendment rewrote the rule, the principal change being to require a bill for introduction to be presented in quadruplicate instead of triplicate.

Effect of 1996 amendment. Provides for placing the name of the first-named sponsor and the name or names of all cosponsors on all bills to be introduced.

Effect of 2011 amendment. The amendment updated the rule by reducing the required number of copies from four to two. This update reflects the current needs of the Clerk's Office in presenting bills for introduction.

Joint Sponsors of Bill

94. A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill. (HR 40, Reg. Sess., 1937; HR 18, Reg. Sess., 1992; HR 15 Reg. Sess., 2005)

House Clerk's Note: This rule was originally adopted as Rule 94a. In 1992, the number was increased from two to seven and in 2005, it was increased from seven to eleven.

Introduction of Bills by Request

94a. A bill may be introduced by request. All bills introduced by request shall bear the words "by request," following the designation of the name or names of the bill sponsor or sponsors. (HR 13, Reg. Sess., 1988)

Effect of 1988 amendment. Allows the introduction of bills by request.

Reference to Committees

95. Bills introduced by any member, on motion for leave, or by any standing committee, shall be read by their titles and referred to the appropriate committee without printing, and all such bills shall be treated in committee as resolutions of inquiry. If the committee report a bill different from one so introduced, either by amendment or substitution, such bill shall be received and treated in the House as the original bill, and the committee report and Journal of the House shall show that the bill was either amended or substituted in committee: Provided, That in no instance shall a House or Senate bill be referred to the Committee on Rules.

Effect of 1975 amendment. No bill shall be referred to Committee on Rules.

Fiscal Notes

95a. Prior to consideration, by the House or by any committee thereof, of any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, which "fiscal note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual," prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the House of Delegates.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the state or any county, municipality or other subdivision of the state, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred,

or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

A legislator introducing a bill requiring an increase in the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, should have attached thereto the legislator's specific plan, idea, method or manner for generating the revenue needed or required by the proposed bill.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

Rule 95a, as amended herein, shall not take effect until January 15, 1989.

No Act shall be void or voidable for noncompliance with this rule. (HR 14, Reg. Sess., 1988)

House Clerk's Note: A fiscal note rule was adopted in 1963 as a part of Rule 92, but was suspended from session to session until it went into effect at the 1969 Regular Session.

Effect of 1979 amendment. Effective January 15, 1980, fiscal notes are required of all political subdivisions.

If in the opinion of the chairman of a committee or the Speaker a reasonable time has elapsed since a fiscal note was requested, the bill may be considered.

Effect of 1988 amendment. Provides for legislator introducing bill to attach plan, method or manner for generating necessary revenue.

Correctional System Fiscal Impact Note

95b. Prior to consideration, by the House or by any committee thereof, of any bill which proposes to create new criminal conduct punishable by incarceration, or either increases or decreases any criminal penalty involving a term of incarceration, the Division of Corrections, in conjunction with any applicable State agency, shall provide a correctional

system fiscal impact note outlining the projected fiscal impact on the State's correctional system of the legislative proposal. The note shall include projected increases or decreases in persons incarcerated, the fiscal impact the proposal likely will have on existing availability of correctional facilities and facility space; whether the proposal will likely decrease or increase inmate populations and, in the case of increased inmate populations, whether additional costs will necessarily be incurred for expanded and increased correctional or jail facilities, equipment and personnel and, if so, the projected cost therefor.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

No act shall be void or voidable for noncompliance with the rule.

Rule 95b, as herein set forth, shall take effect January 1, 2007. (Com. Sub. for HR 31, Reg. Sess., 2005)

What Bills to Contain

96. Bills proposing laws or changes in laws shall consist of a title, beginning with the words "A BILL to," and contain a brief statement of the object of the proposed measure, and if it amends or changes a law, a reference to the law proposed to be changed. The bill proper shall begin with the enacting clause, "Be it enacted by the Legislature of West Virginia," and state at large the measure proposed. [Const., Art. VI, §30.]

Bill Not to Embrace More Than One Object

97. No bill shall embrace more than one object, and that shall be stated in the title, and no law shall be revived or amended by reference to its title only; but the law revived, or the section amended, shall be inserted at large in the new act. [Const., Art. VI, §30.]

Reporting Bills from Committee

98. When a bill is reported from committee with the recommendation that it do pass, it shall be placed on the calendar for the succeeding day and come up on first reading unless the House by action otherwise directs. If on the calendar when referred, it shall be replaced on the reading from which it was taken.

If a bill be reported favorably with amendments, the report and Journal shall so show, and when the bill reaches second reading the committee amendments shall be acted upon before other amendments are offered, except amendments to the committee amendments.

If a committee to which a bill has been referred reports that the same ought not to pass, the Speaker shall immediately propound the question, *"Shall the bill be rejected?"* If this question is decided in the negative, the bill shall be disposed of in the same manner as if reported favorably.

Printing of Bills

99. All bills favorably reported from committee and such other bills as the House may order shall be printed promptly. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The amendment changes the stage at which bills are to be printed from when advanced to second reading to when reported from committee.

Recommitment of Bills

100. A bill may be recommitted at any time before it passes. Should such recommitment take place after its engrossment, and an amendment be reported, the bill shall be placed on second reading when reported back.

Reading Bills

101. Before any bill is read by the Clerk, he shall state to the House whether it is on first, second or third reading.

Bills to Have Three Readings

102. No bill shall become a law until it has been fully and distinctly read on three different days, unless in case of

urgency, by a vote of four fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with. Upon any bill there may be a motion to dispense with the constitutional rule, in order that the bill may be read twice or three times on the same day, and upon the first or second reading of any bill there may be a motion to dispense with the constitutional rule in order that the bill may, upon such reading, be read by its title: *Provided,* That in all cases there shall be three readings on each bill, and that an engrossed bill shall be fully and distinctly read. [Const., Art. VI, §29.]

Bills—First Reading

103. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be *"Shall the bill be rejected?"* If no opposition be made, or if the question to reject be lost, it shall be regarded as ordered to its second reading, unless the House otherwise specially directs. On the first reading of a bill, it may at any stage of the reading be rejected on motion

Bills—Printing and Availability to Members

104. No bill shall be put upon its second reading until the same shall have been printed, or otherwise mechanically reproduced, and shall have been made available to the members of the House in the House Document Room, no later than 6:00 P.M. or the hour of adjournment, whichever be later, on the day next preceding the day upon which it is to be read a second time.

Upon receipt of the printed or reproduced bill, the Clerk shall, forthwith, place copies of said bill on the desks of each member and, if possible, in the bill books; however, the failure of the Clerk to do so shall not be cause for delaying action on the bill.

Bills, resolutions and other documents in electronic format and available to the members on the Chamber Automation System shall be in compliance with the provisions of this rule. (HR 31, Reg. Sess., 1971; HR 4, Reg. Sess., 2002).

Effect of 1971 amendment. The amendment rewrote the rule. The last paragraph was added.

Effect of 2002 amendment. The last paragraph was added as a result of the installation of the Chamber Automation System.

Amending and Engrossing Bills

105. On the second reading of a bill on the demand of any two members, it shall be read section by section for amendment, and when the amendments as may be moved are disposed of, the question, unless the House otherwise order, shall be, if a House bill, *"Shall the bill be engrossed and ordered to the third reading?"* If a House bill shall be ordered to its engrossment and third reading, and amendments have been made thereto, the type from which the bill was originally printed shall be changed to conform with the amendments. The bill shall then be reprinted and shall be the engrossed bill, and shall be designated as such. If no amendments are made the bill as originally printed may be ordered to its third reading and shall become the engrossed bill, and shall be designated as such. All House bills ordered to their engrossment and third reading shall be jacketed and engrossed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a House bill is passed by the Senate and returned to the House without amendment, or if amended and the amendment or amendments be agreed to, it shall then be turned over to the Joint Committee on Enrolled Bills. In the case of a Senate bill on second reading, if the same be amended by the House and passed as amended, the amendment or amendments shall be noted in full on slips of paper in typewriting and attached to the bill at the proper place by the Clerk before the bill is returned to the Senate, and all the amendments shall also appear in the House Journal.

Time Bills to Go into Effect

106. In the passage of a bill by the House, a motion may be made that it take effect from its passage, or at some time other than ninety days after its passage; and if said motion be adopted by a vote of two thirds of all the members elected to the House, taken by yeas and nays, the Clerk shall communicate that fact to the Senate along with the bill. [Const., Art. VI, §30.]

Senate Bills

107. Senate bills passed by the Senate and reported to the House shall be referred to the appropriate committee unless the House otherwise directs. After this they shall be treated in the same manner as House bills.

RESOLUTIONS

108. Resolutions shall be of three classes, as follows:

(1) *Joint Resolutions:* All proposed amendments to the State Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be read on three several days, and, to be adopted, must on its third reading be agreed to by a two-thirds vote of the members elected to the House. [Const., Art. 14, Sec. 2.] When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions thereto short of the final question.

(2) *Concurrent Resolutions:* Concurrent resolutions shall be used for the purpose of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

(3) *House Resolutions:* These simple resolutions shall be used for expressing the will or order of the House on matters in which the concurrence of the Senate is not necessary. A House resolution shall be proper to express the sentiments of the body, to authorize expenditures from its contingent fund, for agreeing upon any question, and for all incidental purposes pertaining to the organization and work of the House. (HR 2, Reg. Sess., 1967)

Effect of 1967 amendment. The amendment inserted the word "State" preceding the word "Constitution" in line two of subdivision (1).

House Clerk's Note: Joint resolutions are used only for amendments to the State Constitution and to ratify amendments to the Federal Constitution. Such resolutions do not have to be submitted to the Governor for his approval.

Policy of the House as to Concurrent and House Resolutions; Defining Purpose and Scope of Such Resolutions; Preintroduction Review by Committee on Rules.

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and house resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided,* That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Before any concurrent or house resolution is filed with the Clerk for introduction, it shall be submitted to the Committee on Rules for determination of compliance with this rule and no such resolution shall be introduced without the approval of said committee. (HR 3, Reg. Sess., 1974)

Effect of 1974 amendment. This section was added by HR 3, Reg. Sess., 1974. Resolutions shall not embrace congratulatory expressions to individuals, organization, etc., having no relation to the Legislature. All resolutions must have preintroduction review by the Committee on Rules.

Introduction of Resolutions

109. All resolutions to be introduced in the House shall be filed with the Clerk not later than two hours prior to the convening of the session at which they are to be introduced. They shall be presented in quadruplicate and copies shall be

for the same purpose as that of bills. When the proper order of business is reached, the Clerk shall proceed in the same manner as if they were introduced from the floor. This rule does not deny a member the right to introduce a resolution from the floor in case of urgency. The different classes of resolutions shall be numbered by the Clerk and entered in full in the Journal. (HR 3, 1st Ex. Sess., 1968)

Effect of 1968 amendment. The word "triplicate" was changed to "quadruplicate."

Action on Resolutions

110. Upon introduction, all resolutions shall be read by their titles, referred to the appropriate committee, and be inserted in full in the Journal. Resolutions other than joint resolutions, proposing amendments to the State Constitution, reported from committee shall lie over one day and come up under the ninth order of business the following legislative day.

Joint resolutions proposing amendments to the State Constitution shall be treated as bills and proceedings thereon shall be in accordance with section two, article fourteen of the State Constitution.

Resolutions adopted by the Senate and reported to the House shall be subject to the same rule as that governing resolutions introduced in the House. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1963; HR 2, Reg. Sess., 1971)

Effect of 1961 amendment. The amendment required that resolutions, other than joint resolutions, lie over one day and come up under the ninth order of business the following legislative day.

Effect of 1963 amendment. The rule was rewritten with the principal changes being the requirement that all resolutions be referred to a committee and inserted in full in the Journal when reported from committee. A new paragraph was also added making the rule applicable to Senate resolutions reported to the House.

Effect of 1971 amendment. The amendment provided for inserting resolutions in full in the Journal upon introduction instead of when reported from committee.

PETITIONS

111. All petitions, remonstrances, memorials and other papers addressed to the House shall be filed by the member

with the Clerk prior to the convening of the House. When in the regular order of business the time is reached for presenting petitions or any such papers, the Clerk shall read a list of those on file, giving the member's name presenting same and a brief resume of the contents thereof, and the same shall be referred to the committee of the member's selection unless otherwise ordered by the House. Each member, upon filing any such petition, remonstrance or other paper, shall endorse thereon his name, and if not so endorsed it shall not be received. The Journal shall show the name of the member presenting such papers, a brief resume of the contents thereof, and the disposition made of same.

AMENDMENTS

Forms For

112. The Clerk shall furnish to members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the member offering the same.

Must Be Germane

113. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

Time for Offering

114. Amendments may be offered to any bill or joint resolution and acted upon on their second reading and before they are ordered to their engrossment and third reading. No bill shall be amended on third reading, except by unanimous consent of the members present. Amendments to resolutions other than joint resolutions shall be in order at any time the same are being considered. Committee amendments shall be subject to amendment and shall be disposed of before any other amendments are in order.

Reading and Stating

115. Amendments shall be read by the Clerk and stated by the Speaker before being acted upon.

By Striking Out Enacting Clause

116. A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

Amendment to an Amendment

117. A motion to amend a pending amendment may be received, but until it is disposed of no other motion to amend will be in order. But pending such amendment, a motion to amend in the nature of a substitute, and a motion to amend that substitute, may be received, but shall not be voted upon until the original matter is perfected.

Amendment to Have Precedence Over Substitute

118. If a substitute for a bill or resolution be offered, a motion to amend the original bill or resolution shall have precedence.

Motion to Amend to Have Precedence Over One to Strike Out

119. If a motion be made to strike out part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

Filling Blanks

120. In filling blanks, the largest sum and longest time proposed shall be first put, and the question shall be put on names in the order they were nominated.

No Amendment by Way of Rider

121. No amendment by way of rider shall be received to any bill after engrossment.

Agreeing to Senate Amendments

122. When a House bill or House joint resolution shall be amended by the Senate, the question on agreeing to the bill or resolution as amended shall be again voted on by yeas and nays, and the result entered on the Journal, and in such a case

the affirmative vote of a majority of the members elected to the House shall be necessary. [Const., Art. VI, §31.]

Amendment by Section

123. If a bill is being considered section by section, only amendments to the section under consideration shall be in order. After all sections have been considered separately, the whole bill shall be open for amendment except that an amendment seeking to strike out matter previously inserted and containing substantially no new proposition shall not be in order.

Amending Titles

124. After the passage of a bill or joint resolution, amendments to its title may be offered when the title is read for approval.

Amendments to Senate Bills

125. Any Senate bill or resolution may be amended in the same manner as a House bill or resolution. If a Senate bill or resolution is amended, the same shall be noted by the Clerk on the jacket containing same before it is reported to the Senate.

After the reading of a Senate amendment to a House bill or resolution, the question shall be, *"Will the House concur in the Senate Amendment?"* But it shall be in order to move that the House concur in the Senate amendment with an amendment; or that the House refuse to concur and ask the Senate to recede.

If the Senate shall refuse to concur in a House amendment to a Senate bill or resolution, the following motions shall be in order and shall be privileged in the order named: *First,* That the House recede; *Second,* That the House insist and ask for a committee of conference; *Third,* That the House adhere.

Amendments to be Printed in Journal

126. All amendments proposed, unless withdrawn, shall be printed in the Journal.

Speaking on Amendments

127. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

JOURNAL

Clerk to Keep

128. The Clerk of the House, under the direction of the Speaker, shall keep a full and correct Journal of the proceedings.

Approval and Correction

129. When the Journal has been read to the end that any mistake made in the entry may be corrected, if no objection is made, it shall stand approved; but if objection be made, the first question of the House shall be to dispose of the same, and when such objections are disposed of and the Journal corrected, as the House may order, it shall stand as approved.

Printing Official Copies

130. After the printed Journal has been approved and fully marked for correction, the type from which it was printed shall be changed in accordance therewith. From the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal, which shall be properly indexed. In addition thereto six copies shall be printed on 6x9 heavy weight bond paper, with a certificate at the end thereof, certifying that the same is the Official Journal of the House and the same shall be signed by the Speaker and Clerk. Such printed Journal shall be the official record of the House. They shall be bound in flexible binding, and bear the imprint on the back, "Official Journal of the House of Delegates of West Virginia," with designation of regular or special session, as the case may be, and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, and one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Department of Archives and History, and one with the Clerk of the Senate.

Journal to Be Printed Daily

131. It shall be the duty of the Clerk to furnish a copy of each day's proceedings of the Journal to the printer, to be printed and distributed without delay.

Form and Content of Journal

132. The Journal shall be kept and published in minute form so as to show a running account of all proceedings and actions taken. Every written motion, unless it be withdrawn on the same day submitted and before action has been taken thereon, and such other material and matters required by these rules and the joint rules of the Senate and House shall be printed in the Journal. No remarks of members, speeches, newspaper editorials and articles, or other material shall be printed in the daily Journal, except explanations of votes as provided by these rules and such portions of remarks as may be necessary for the record in instances where a member may be called to order for words spoken in debate. The Clerk shall keep and publish an Appendix to the bound and official Journals of each session of the House. There shall be included in the Appendix all remarks of members and other material ordered printed by the House.

An address or remarks by a member made on the floor of the House may be printed in the Appendix with the consent of the House on the request of the member making such address or remarks or by request of another member, if the member making such address or remarks consents to said request. (HR 2, Reg. Sess., 1961; HR 10, Reg. Sess., 2000)

Effect of 1961 amendment. The rule was expanded extensively in delineating the form and content of the Journal, providing for an Appendix to the Journal and the printing therein of remarks of members and other material.

Effect of 2000 amendment. Permits a member to request remarks of another to be printed in the Appendix with the consent of the member making the remarks.

Inserting Remarks in Journal

132a. (HCR 15, Reg. Sess., 1959; rescinded by HR 2, Reg. Sess., 1961)

A typographical error in the Journal shows the repealed rule as 122a instead of 132a.

CHANGE OR SUSPENSION OF RULES

Rescinding or Amending Rules

133. All propositions to amend or rescind any standing rule or order of the House shall be by resolution and be at once referred, without debate, to the Committee on Rules, and shall be reported therefrom within five legislative days thereafter. Any such resolution may be adopted by a majority vote, a quorum being present. (HR 4, Reg. Sess., 1974)

Effect of 1974 amendment. The rule was rewritten with the principal change being that a standing rule or order after being referred to the Committee on Rules shall be reported therefrom within five legislative days.

House Clerk's Note: The power to make its rules of procedure is given the House under Sec. 24, Art. 6 of the Constitution.

Suspension of Rules

134. These rules shall not be suspended, except by a vote of at least two thirds of the members present. Unless there be an unanimous consent for the suspension of rules, the vote shall be determined by yeas and nays.

House Clerk's Note: The motion to suspend the rules is usually preceded by a member requesting unanimous consent of the House to do a particular thing. If no one objects, the House is deemed to assent, and what is desired is allowed accordingly. If objection is made, then the member may move that the rules be suspended for the specific purpose or object he has in view. A motion to lay on the table may not be applied to a motion to suspend the rules. (Hind's Precedents, Sec. 5405.)

Manual and Rules

135. On any question of order or parliamentary practice where the rules of the House or the joint rules of the House and Senate are silent or inexplicit, *Jefferson's Manual* and the *Digest of the Rules and Practices of the House of Representatives of the United States Congress* shall be considered as authority.

House Clerk's Note: Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the United States Senate in the years he was Vice President, from 1797 to 1801. The House of Representatives, in 1837, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they

are not inconsistent with the standing rules and orders of the House." The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. (House Manual and Digest), 70th Congress, 1st Sess., Sec. 278.

MISCELLANEOUS RULES

Persons Admitted to the Floor—Members' Gallery

136. No person except members of the Congress of the United States, members of the State Senate, former members of the West Virginia Legislature, the Clerk of the Senate, duly accredited representatives of the press, radio and television, and legislative employees engaged in the proper discharge of their duties shall be admitted within the House Chamber while the House is in session. No introductions shall be made while the House is in session. At the convening of the House, the Sergeant at Arms shall see that all persons not entitled to the privilege of the floor under this rule retire from the Chamber.

The west or center balcony of the House Chamber shall be designated "Members' Gallery" and reserved for guests of members of the House, and admission thereto shall be by pass in such form as may be approved by the Committee on Rules and signed by member issuing the same to a guest. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1967)

Effect of 1961 amendment. The rule was completely rewritten. Various persons who were formerly admitted to the House Chamber while the House was in session were eliminated from the rule, including ex-Governors, judges, former officers of the House and Senate, members of other state Legislatures, heads of state departments, elective state officers, the Governor's secretary; prohibited introductions while the House is in session; and designated the west gallery as the "Members' Gallery" and provided manner for admission of guests thereto.

Effect of 1967 amendment. The word "employees" was substituted for "attaches."

Smoking and Use of Tobacco Products Prohibited

136a. Smoking and the use of tobacco products are prohibited in the House chamber and House galleries during sessions and in House committee rooms during committee meetings or public hearings. (HR 19, Reg. Sess., 1990; HR 6, Reg. Sess., 2000)

Effect of 1990 amendment. Prohibited use of tobacco in House chamber and galleries during sessions and in committee rooms during meetings or public hearings.

Effect of 2000 amendment. Prohibited smoking in the vestibule of the House Chamber.

Attire of Persons Admitted to Floor

136b. No member of the House or any person who has privileges of the floor, except pages, individuals authorized to be present for special ceremonies, television camera operators, media photographers, sound technicians and maintenance personnel, shall be admitted to the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females.

Lobbying in the House Chamber

137. No person engaged in lobbying, including persons entitled to the privilege of the floor under Rule 136 when engaged in lobbying activities, shall be permitted upon the floor of the House or in the foyer thereto at any time during a session of the Legislature. If any person not a member while within the Chamber when the House is in session attempts in any manner whatsoever to influence the vote or opinion of any member upon any subject of legislative consideration, he shall be removed from the Chamber and be debarred therefrom during the remainder of the session. Any employee who shall, at any time, engage in such activity shall be subject to immediate dismissal. (HR 2, Reg. Sess., 1961; HR 2, Reg. Sess., 1963; HR 2, Reg. Sess., 1967)

Effect of 1961 amendment. The rule was rewritten. The last sentence relative to dismissal of House employees for engaging in lobbying was a new provision.

Effect of 1963 amendment. This amendment made the rule applicable to persons entitled to the floor under Rule 136 such as former members.

Effect of 1967 amendment. The word "employee" was substituted for the word "attache."

Registration of Lobbyists

137a. Rescinded by H. R. 19, February 6, 1978.

Effect of 1978 amendment. The rule was rescinded and a joint rule was added to cover both houses.

Use of Electronic Communication Devices Prohibited

137a. Unless authorized by the Speaker, no person may use a cell phone or other electronic communication device on the House floor during a session. A cell phone or other electronic device may be used in the vestibule of the House Chamber or other locations designated by the Speaker. Members are prohibited from using a computer to electronically communicate with another person not on the House floor during session for the purpose of receiving information relating to any pending legislative matter.

Effect of 2005 amendment. The rule was added to prohibit the use of cell phones or other electronic communications devices on the floor during a session of the House.

News Correspondents and Reporters

138. (a) Any person accorded the privilege of the press gallery or press table must be a news correspondent or reporter for a newspaper, a radio or television station, or of a recognized press association, who is not engaged in any department of state government, or in any other business; and no more than one representative of each shall be admitted to the press table or press gallery at one time.

(b) All applications for admission to the press gallery or press table must be made to the Speaker. Such applications shall state the name and location of the newspaper, news association, radio or television station, and be signed by the applicant. The Speaker may request the news representatives to establish a committee on accreditation of applicants, and he shall consider recommendations made by such committee.

(c) The Speaker shall verify statements made in such application and if the application is approved by him, he shall issue a correspondent's card, signed by him.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the Rules Committee of the House.

(e) The card issued by the Speaker must be presented when required by any Sergeant at Arms. It shall not be transferable.

The transfer or loan of such card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery or press tables allotted to news correspondents shall be for their exclusive use, and persons not holding correspondents' cards shall not be entitled to admission thereto. (HR 10, Reg. Sess., 1951; HR 2 and HR 10, Reg. Sess., 1961)

Effect of 1951 amendment. The amendment added the proviso at the end of paragraph (a) and provided for approval by the Speaker in lieu of the Committee on Rules as formerly.

Effect of 1961 amendments. Under HR 2, paragraphs (a), (b) and (f) were rewritten. News reporters for radio and television stations were included in those who may be accredited, and the authorization for establishing a committee on accreditation of applicants in paragraph (b) was added.

HR 10 amended the rule by deleting the word "daily" preceding the word "newspapers" in paragraph (a).

Lounging Prohibited in the Hall of the House

139. It shall be the duty of the Sergeant at Arms to prevent all persons not connected with the Legislature from assembling in the halls at any time when the House is not in session for the purpose of lounging or loafing. For the purpose of enforcing this rule, the Sergeant at Arms or his assistants shall be in attendance at all times, and the persistent neglect or disregard of this rule shall be cause for dismissal by the Speaker, or removal.

Peddling Prohibited

140. No person shall be permitted to hawk, peddle or offer for sale any article of traffic at any time within the hall of the House; and it shall be the duty of the Sergeant at Arms to strictly enforce this rule.

Regulating Use of Halls

141. The Speaker shall have power to regulate the use of the halls and stairways of the part of the Capitol building used by the House for refreshments and like purposes when the Legislature is in session.

Oaths

142. The Speaker or Clerk shall have authority to administer any oaths required by the business of the House.

Janitors

143. The janitors appointed for or assigned to the House shall, under direction of the Speaker, have care of the House Chamber, committee rooms and halls of the House and keep the same in a neat and proper condition at all times.

* * * * * * *

Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by the Clerk as follows:

H. R. 2 - "Authorizing the publication of a Legislative Manual, providing for a mailing list for House Journal, authorizing other mailings upon request, and authorizing payment of travel and other expenses of the House."

Resolved by the House of Delegates:

I. That the Clerk of the House of Delegates is hereby authorized to compile and have printed without delay a Legislative Manual containing the rules of the Senate and of the House of Delegates and such matter and material as he may deem to by useful and convenient to the members of the Legislature. The Clerk of the House of Delegates shall cooperate with the Clerk of the Senate in compiling said manual and include therein such material with reference to the Senate as said Clerk of the Senate may prepare so as to obviate the necessity of the Senate publishing a manual.

II. That during the sessions of the 81st Legislature, the Clerk of the House of Delegates is hereby authorized to have mailed from the House document room copies of the daily Journal of the House of Delegates to lists of persons to be furnished to the Clerk by the

members of the House of Delegates, such lists not to exceed five names from each Delegate; and the expenses of such mailing, including postage, shall be paid by the Auditor out of the contingent fund of the House of Delegates upon proper requisitions of the Clerk. All such mail shall bear the stamp of the Clerk of the House of Delegates, and the Clerk shall designate such persons as to deliver such mail to the Central Mailing Office and notify the postmaster of such designation, and said office shall not accept such mail from any person or persons other than those so designated by the Clerk.

The Clerk is hereby further authorized to mail copies of Journals, bills and other documents printed by the House of Delegates to persons requesting the same.

III. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the House of Delegates for such number of miles traveled as shall by certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 81st Legislature.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by the Clerk as follows:

H. R. 3 - "Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates."

Resolved by the House of Delegates:

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 500 copies of the Acts of the 2013 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

The Clerk of the House of Delegates is also authorized to publish not to exceed 250 copies of the Journal of the House of Delegates for the first regular session of the 81st Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and five copies of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by the Clerk as follows:

H. R. 4 - "Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof."

Resolved by the House of Delegates:

That beginning on Thursday, March 14, 2013, and for the remainder of this regular session of the Legislature, the Committee on Rules is hereby authorized to arrange a Special Calendar as provided by House Rule 70. Daily after the eighth order of business shall have been passed, the Special Calendar shall be called, and until this calendar is disposed of each day, no item of business on the regular House Calendar shall be considered or take precedence over any item of business on the Special Calendar, except by a two-thirds vote of the members present and voting.

No bill or resolution shall be placed upon the Special Calendar except by the Committee on Rules. In making up the Calendar, the Committee on Rules may hear any Delegate or other person in behalf of any resolution or bill he may desire placed upon such calendar and the committee shall give due consideration to the merits of bills and resolutions pending in the House of Delegates, and take cognizance of measures which affect the public interest generally; and, be it

Further Resolved, That the committee shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those

voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by the Clerk as follows:

H. R. 5 - "Authorizing the appointment of employees for this, the First Regular Session of the Eighty-first Legislature, two thousand thirteen."

Resolved by the House of Delegates:

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Nine stenographers at fifty-five dollars to one hundred forty-five dollars per diem;

Eleven clerks at fifty-five dollars to one hundred thirty dollars per diem;

Two paralegals at fifty-five dollars to one hundred dollars per diem;

Six legislative assistants at fifty-five dollars to one hundred dollars per diem;

Three messengers at fifty-five dollars to seventy-five dollars per diem;

Seven attorneys at one hundred sixty-five dollars to three hundred fifty dollars per diem;

One Journal Room Supervisor at one hundred twenty dollars per diem;

Six Journal Room Clerks at fifty-five dollars to seventy-five dollars per diem;

One Doorkeeper at one hundred twenty-five dollars per diem;

Six assistant Doorkeepers at fifty-five dollars to seventy-five dollars per diem;

One Sergeant-at-Arms at one hundred twenty-five dollars per diem;

Four assistant Sergeants-at-Arms at fifty-five dollars to eighty-five dollars per diem;

Three administrative assistants at seventy-five dollars to one hundred forty-five dollars per diem;

One legislative analyst at one hundred twenty dollars per diem;

One Head Page at seventy-five dollars per diem;

One assistant to the Head Page at fifty-five dollars per diem;

Three maintenance assistants at fifty-five dollars to seventy-five dollars per diem;

One office assistant at sixty dollars per diem; and

One Documents Clerk at one hundred sixty-five dollars per diem;

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk/Parliamentarian at seven thousand seven hundred fifty-seven dollars and sixty cents per month;

One Assistant Clerk at four thousand four hundred eighty-three dollars and fifty-two cents per month;

One Bill Status Clerk at three thousand fifty-nine dollars and fourteen cents per month;

One Journal Clerk at two thousand six hundred twenty-six dollars and fifty cents per month;

One Documents Clerk at two thousand four hundred sixteen dollars and sixty-seven cents per month;

One Technical Assistant at four thousand eight hundred ninety-two dollars and fourteen cents per month;

One Technical Assistant at four thousand forty-one dollars and sixty-six cents per month;

One Fiscal Officer at five thousand one hundred and thirty-five dollars and thirty cents per month;

One Assistant Fiscal Officer at three thousand four hundred twenty-four dollars and thirty-two cents per month;

One Purchasing Agent at three thousand three hundred eleven dollars and forty-two cents per month;

One Mail Clerk at two thousand three hundred thirty-three dollars and thirty-three cents per month;

One Communications Director to the House at six thousand ninety-one dollars and twelve cents per month;

One Assistant to the Majority Leader at three thousand five hundred forty-one dollars and sixty-six cents per month;

One Assistant to the Majority Whip Office at three thousand five hundred forty-one dollars and sixty-six cents per month;

One Counsel/Chief of Staff to the Speaker at eight thousand one hundred sixty-six dollars and sixty-six cents per month;

One Administrative Assistant to the Speaker at four thousand six hundred twenty-five dollars per month;

One Administrative Assistant to the Speaker at three thousand five hundred forty-one dollars and sixty-six cents per month;

One Administrative Assistant to the Majority Leader at three thousand five hundred forty-one dollars and sixty-six cents per month;

One Maintenance Staff at two thousand eight hundred fifty-nine dollars and forty-eight cents per month;

One Maintenance Staff at two thousand five hundred sixty-nine dollars and seventy cents per month;

One Maintenance Staff at two thousand three hundred ninety-nine dollars and seventy cents per month;

One Maintenance Staff at one thousand nine hundred eighteen dollars and ninety-six cents per month;

One Chief Counsel to the Committee on the Judiciary at seven thousand seven hundred twenty-three dollars and seventy-two cents per month;

One Staff Counsel to the Committee on the Judiciary at six thousand two hundred and seventy-one dollars and twenty-six cents per month;

One Legislative Analyst to the Committee on the Judiciary at three thousand seven hundred twenty-five dollars and twenty-four cents per month;

One Administrative Assistant to the Committee on the Judiciary at three thousand six hundred seventy-seven dollars and ten cents per month;

One Chief Counsel to the Committee on Education at seven thousand three hundred sixteen dollars and eight cents per month;

One Policy Analyst to the Committee on Education at six thousand eight hundred eleven dollars and thirty cents per month;

One Legislative Assistant to the Committee on Education at three thousand two hundred thirty-nine dollars and four cents per month;

One Legislative Analyst to the Committee on Education at two thousand eight hundred ninety-four dollars and seventy-six cents per month;

One Chief Counsel to the Committee on Finance at seven thousand nine hundred seventeen dollars and fifty-six cents per month;

One Staff Counsel to the Committee on Finance at five thousand two hundred fifty dollars per month;

One Policy Analyst to the Committee on Finance at five thousand seven hundred sixty dollars and sixty-four cents per month;

One Budget Analyst to the Committee on Finance at three thousand seven hundred fifty dollars per month;

One Budget Analyst to the Committee on Finance at three thousand five hundred eighty-three dollars and thirty-four cents per month;

One Committee Clerk to the Committee on Finance at three thousand nine hundred dollars and forty-eight cents per month;

One Administrative Assistant to the Committee on Finance at three thousand fifty-nine dollars and eighty-two cents per month;

One Chief Counsel to the Committee on Government Organization at seven thousand six hundred twenty-five dollars and seventy cents per month;

One Staff Counsel to the Committee on Government Organization at four thousand nine hundred sixteen dollars and sixty-six cents per month;

One Legislative Analyst to the Committee on Government Organization at three thousand one hundred thirty-nine dollars and eighteen cents per month;

One Chief Counsel to the Committee on Health and Human Resources at six thousand two hundred fifty dollars per month;

One Legislative Analyst to the Committee on Health and Human Resources at three thousand three hundred eighty dollars and forty-four cents per month;

One Administrative Assistant to the Committee on Health and Human Resources at two thousand six hundred sixty dollars and fifty-six cents per month;

One Staff Attorney to the Minor Committees at six thousand eight hundred thirty-two dollars and ninety-two cents per month;

One Analyst to the Minor Committees at two thousand six hundred twenty-six dollars and fifty cents per month;

One Analyst to the Minor Committees at two thousand five hundred dollars per month;

One Legislative Assistant to the Minor Committees at two thousand nine hundred seventy-six dollars and seventy-two cents per month;

Two Legislative Assistants at two thousand five hundred dollars per month each;

One Executive Assistant to the Minority Leader at five thousand five hundred ninety-five dollars and twenty-eight cents per month;

One Assistant to the Minority Leader at two thousand seven hundred fifty-seven dollars and eighty-four cents per month;

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and be it

Further Resolved, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

Further Resolved, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of

their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

Further Resolved, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and be it

Further Resolved, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

Further Resolved, That following the session, the Speaker, with approval of the Committee on Rules, is authorized until superceded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

Further Resolved, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 5) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by the Clerk as follows:

H. C. R. 2 - "Providing for an adjournment of the Legislature until February 13, 2013."

WHEREAS, The first regular session of the 81st Legislature assembled on this date, the second Wednesday in January, 2013, organized by the election of officers of the two houses, and the two houses in joint assembly opened and published the returns of the election of state officers held on the 6th day of November, 2012, all as prescribed by Section 18, Article VI of the Constitution of the State; and the two houses adopted rules to govern their proceedings and separately and concurrently acted on certain other matters incident to organization; therefore, be it

Resolved by the Legislature of West Virginia:

That having complied with the provisions of said section of the Constitution, when adjournment is taken by the two houses this day, such adjournment shall be until February 13, 2013, at 12 o'clock meridian.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

At 1:41 P.M., on motion of Delegate Boggs, the House of Delegates recessed until 1:30 P.M., and reconvened at that time.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 1, Raising a Joint Assembly to open and publish election returns.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 2, Providing for an adjournment of the Legislature until February 13, 2013.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by the Clerk as follows:

S. C. R. 1 -- "Adopting Joint Rules of Senate and House."

Resolved by the Legislature of West Virginia:

That the Joint Rules of the Senate and House of Delegates governing the Eightieth Legislature are hereby adopted to govern the

proceedings of the Eighty-first Legislature, subject to subsequent amendment.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (S. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by the Clerk as follows:

S. C. R. 2 - "Authorizing payment of supplies, services, printing and other expenses."

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary session of the Eighty-first Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (S. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

JOINT ASSEMBLY

TO

OPEN AND PUBLISH ELECTION RETURNS

The Doorkeeper announced the Honorable Jeffrey V. Kessler, President, and the members of the Senate.

The President and members of the Senate then entered the Hall of the House of Delegates and the members were seated in the places reserved for them.

The Speaker invited the President to a seat to his right.

RETURNS OF ELECTIONS

A communication from the Honorable Natalie Tennant, Secretary of State, was received, presenting the returns of the election held on the 6th day of November, 2012, for Governor and other constitutional officers, in accordance with Section 3, Article VII of the Constitution of the State.

A canvas of returns from said election disclosed that candidates for Governor and other state offices had received the following votes:

FOR GOVERNOR

Earl Ray Tomblin. 335,418

Bill Maloney. 303,242

Jesse Johnson. 16,781

David Moran. 8,906

FOR SECRETARY OF STATE

Natalie Tennant. 398,209

Brian Savilla. 240,044

FOR TREASURER

John D. Perdue. 348,209

Mike Hall. 280,274

FOR AUDITOR

Glen B. Gainer, III. 355,555

Larry V. Faircloth. 263,913

FOR ATTORNEY GENERAL

Patrick Morrisey. 329,807

Darrell V. McGraw III. 313,775

FOR COMMISSIONER OF AGRICULTURE

Walt Helmick. 316,550

Kent Leonhardt. 297,033

The Speaker declared the following, having received the highest number of votes and being duly qualified, were elected to the Office of Governor and other state offices for the term fixed by law, beginning on the first Monday after the second Wednesday of January, 2013.

EARL RAY TOMBLIN, GOVERNOR

NATALIE TENNANT, SECRETARY OF STATE

JOHN D. PERDUE, TREASURER

GLEN B GAINER III, AUDITOR

PATRICK MORRISEY, ATTORNEY GENERAL

WALT HELMICK, COMMISSIONER OF AGRICULTURE

* * * * * * * * * *

The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Doorkeeper escorted the invited guests from the Chamber.

The members of the Senate retired to their Chamber.

The Speaker then called the House to order.

Pending announcements,

At 1:58 P. M., on motion of Delegate Boggs, the House of Delegates adjourned until 12:00 meridian, Wednesday, February 13, 2013, pursuant to H. C. R. 2.

WEDNESDAY, FEBRUARY 13, 2013

FIRST DAY

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

Pursuant to the adjournment taken on January 9, 2013, in accordance with Section 18, Article VI of the Constitution of the State, the House of Delegates assembled in its Chamber in the Capitol Building at 12:00 o'clock meridian this day, with a quorum present, and was called to order by the Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, January 9, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

MESSAGES FROM THE EXECUTIVE

The Speaker laid before the House of Delegates the following communications, which were read by the Clerk as follows:

HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE
CHARLESTON

January 24, 2013

The Honorable Rick Thompson, Speaker
State Capitol Complex
Building 1, Room 228M
Charleston, WV 25305

Dear Speaker Thompson:

I hereby resign my seat as a Member of the West Virginia House of Delegates due to my appointment by Governor Earl Ray Tomblin as Senator for the 12th District of the Great State of West Virginia.

This shall be effective immediately upon my being sworn into the Senate at 11:00 A.M. this morning, January 24, 2013.

Sincerely yours,

SAMUEL J. CANN

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
EARL RAY TOMBLIN
GOVERNOR

February 1, 2013

The Honorable Rick Thompson, Speaker
State Capitol Complex
Building 1, Room 228M
Charleston, WV 25305
Dear Speaker Thompson:

Pursuant to the provisions of W. Va. Code §3-10-5, I have this day appointed Ron Fragale, 503 East Main Street, Clarksburg, Harrison County, West Virginia 26301, as a Delegate representing the Forty-Eighth District of the House of Delegates, to fill the vacancy created by the resignation of The Honorable Sam Cann from this day through the remainder of said term.

Sincerely,

EARL RAY TOMBLIN,
Governor.

The Speaker announced that Delegate Fragale had previously qualified by taking and subscribing to the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia.

The Speaker presented annual reports from various state agencies as required by the provisions of law, as follows:

Accountancy, Board of

Acupuncture, Board of

Alcohol Beverage Control Administration

Chesapeake Bay Development Authority

Children's Health Insurance Program

Chiropractic, Board of

Consolidated Public Retirement Board

State Police Disability Experience

Consumer Advocate, Office of

Corrections, Division of

Student Veterans Initiatives

Court of Claims

Crime Victims

Dental Examiners

Economic Development Authority

Alternative and Renewable Energy Resources Research Fund

Annual Development Plan

Legal Challenges Potentially Impacting the Energy Industry

Environmental Protection Advisory Council

Waiver Report

Explosives and Blasting, Office of

Oil and Gas Reclamation Fund

Oil and Gas Operating Permit and Processing

Stream Restoration Fund

Underground Storage Tank Fund

Ethics Commission

Finance, Division of

Comprehensive Annual Financial Report

Tobacco Settlement Finance Authority

Fire Commission

Stewardship Contracting

Herbert Henderson Office of Minority Affairs

Grievance Board, Education and State Employees

Health and Human Resources

Maternal Risk Screening

Newborn Hearing Screening Project (2011)

Oral Health Program

Sudden Unexplained Infant Death (2009)

Uniform Maternal Screen Act (2011)

Womens Right to Know

Youth Services

Higher Education Policy Commission

Financial Aid Comprehensive Report

Graduation Rates

High School Readiness Report

Research Trust Fund

Student Veterans Initiatives

Human Rights Commission Report

Investment Management Board

James "Tiger" Morton Catastrophic Illness

Justice, Division of

Juvenile Justice and Delinquency Prevention

Community Corrections Act

Law Enforcement Training

Legislative Auditor Report

Health and Human Rights Accountability

Medical Imaging and Radiation Therapy Technology Board of Examiners

Medicine, Board of

Interlock Program

Motorcycle Safety Awareness Board

Natural Resources, Division of

Outdoor Heritage Conservation Fund

Nursing Home Administrators Licensing Board

Occupational Therapy, Board of

Parole Board

Personnel, Division of

Physical Therapy, Board of

Professional Engineers, State Board of Registration of

Professional Surveyors, Board of

Psychologists, Board of Examiners of

Public Employees Insurance Agency (PEIA)

Alternative and Renewable Energy Resource Planning

Purchasing Division

Comprehensive Procurement Program for Recycled Products

Sole Source Report

Stringing Report

Real Estate Commission

Regional Education Service Agency (RESA)

Regional Jail and Correctional Facility Report

Registered Professional Nurses, Board of Examiners

Registration for Professional Engineers, Board of

Revenue, Department of

Ron Yost Personal Assistance Services Board

Sanitarians, Board of

Solid Waste Management Board

Special Reclamation Fund Advisory Council

State Police

Recruitment of Females/Minorities

Statewide Independent Living Council (2010 and 2011)

Supreme Court of Appeals

Juror Qualifications Report

Tax Department, State of

Innovative Mine Safety Technology Tax Credit Report

Transportation, Department of

Transportation Coordinating Council

Treasurer's Office

Debt Capacity Report

Debt Position Report

Prepaid College Tuition and Savings Program

Water Development Authority

The above-referenced reports are on file in the Clerk's Office.

RESOLUTIONS INTRODUCED

Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by its title as follows:

H. C. R. 3 – "Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor."

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the request of Delegate Boggs, and by unanimous consent, reference of the resolution (H. C. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Campbell, Marcum and Westfall.

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

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

H. C. R. 4 - "Requesting the Division of Highways to rename the Rossmore Beam Span bridge over Island Creek on State Route 44, near Monaville, Logan County, bridge number 23-44-13.14, in District 2, the 'CPL Larry G. Curnutte Memorial Bridge'."

WHEREAS, CPL Larry G. Curnutte was born on November 25, 1945 in Monaville, West Virginia; and

WHEREAS, CPL Larry G. Curnutte enlisted in the Marine Corps in March, 1966; and

WHEREAS, CPL Larry G. Curnutte was deployed to Vietnam in September, 1966, and was a member of Company D of the First Battalion of the Fourth Marine Regiment, Third Marine Division, Republic of South Vietnam; and

WHEREAS, CPL Larry G. Curnutte was awarded the Purple Heart for injuries sustained in battle on March 1, 1967, as well as the National Defense Service Medal, the Vietnamese Service Medal, the Good Conduct Medal and the Rifle Sharpshooter Badge; and

WHEREAS, CPL Larry G. Curnutte returned to service in Vietnam following his injuries sustained in battle and served honorably until his discharge from the Marine Corps; and

WHEREAS, CPL Larry G. Curnutte was a loving son, brother, husband, father, grandfather, friend and a proud Marine, Vietnam Veteran, and Purple Heart recipient; and

WHEREAS, It is fitting and proper, that CPL Larry G. Curnutte be remembered and acknowledged for his courageous action and service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename the Rossmore Beam Span bridge over Island Creek on State Route 44, near Monaville, Logan County, bridge number 23-44-13.14, in District 2, the "CPL Larry G. Curnutte Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "CPL Larry G. Curnutte Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the surviving family of CPL Larry G. Curnutte.

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

H. C. R. 5 - "Requesting the Division of Highways to rename the Middleburg Bridge over the Guyandotte River, near the Middleburg settlement, Logan County, bridge number 23-10/73-0.01, the 'Edward I. Eiland Bridge'."

WHEREAS, Edward I. Eiland was born on February 3, 1920; and

WHEREAS, Edward I. Eiland graduated from Logan High School in 1937 and from West Virginia University, where he was elected to the Phi Beta Kappa academic honor society, in 1940; and

WHEREAS, Edward I. Eiland matriculated at the West Virginia University College of Law, but chose to interrupt his legal education to enter the Marine Corps after the Second World War began; and

WHEREAS, Edward I. Eiland served in the Pacific with the Fourth Marine Division, and took part in landings on Kwajalein Atoll, Saipan, Tinian and Iwo Jima; and

WHEREAS, Edward I. Eiland was awarded both the Purple Heart for wounds incurred in action during the invasion of Saipan and the Silver Star for bravery in the same campaign; and

WHEREAS, Edward I. Eiland returned to the West Virginia College of Law, where he served as a member of the Board of Editors of the West Virginia Law Quarterly, and graduated in 1946; and

WHEREAS, Edward I. Eiland returned to Logan County, where he served as Assistant Prosecutor, attorney for the City of Logan, Mental Hygiene Commissioner, and where he continues to work in private practice; and

WHEREAS, Edward I. Eiland is a longtime member of the Logan County, West Virginia and American Bar Associations, and received the West Virginia Bar Association's inaugural Award of Merit in 1997 for his outstanding lifetime of distinguished service to the profession; and

WHEREAS, Edward I. Eiland has served the public as a Boy Scouts leader, a member of the Kiwanis Club, a 58-year member and two-time Post Commander of the Gunther-McNeely-Nowlin Post of the American Legion, and President of the B'Nai El of Logan; and

WHEREAS, It is fitting and proper, that Edward I. Eiland be honored for his courageous Marine Corps service, his many contributions to the legal profession and his countless hours of public service to the community of Logan and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename the Middleburg Bridge over the Guyandotte River, near the Middleburg settlement, Logan County, bridge number 23-10/73-0.01, the "Edward I. Eiland Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Edward I. Eiland Bridge"; and, be it

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

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

H. C. R. 6 - "Requesting that bridge number 23-119/5-1.00, on Route 119/5, otherwise known as the Pine Creek Road, in Pine Creek, outside of Omar, Logan County, West Virginia, be named the 'Sergeant Elzie Mundy, Jr. Bridge'."

WHEREAS, Sergeant Elzie Mundy, Jr., was born on February 26, 1933, in Pine Creek, Omar, West Virginia, to Mr. Elzie Mundy and Mrs. Cinda Skeens Mundy; and

WHEREAS, Sergeant Elzie Mundy, Jr., attended schools in Logan County throughout his public education; and

WHEREAS, Sergeant Elzie Mundy, Jr., served in the United States Army during the Korean Conflict from the year 1953 through the year 1955; and

WHEREAS, While in the United States Army, Sergeant Elzie Mundy, Jr. was in the 3rd Armored Division, 125th Tank Division, serving as a Tank Commander of a M-4 medium tank; and

WHEREAS, Sergeant Elzie Mundy, Jr., served his country with honor and distinction, earning the respect and admiration of his comrades and officers; and

WHEREAS, As a civilian, Sergeant Elzie Mundy, Jr., continued to serve his nation as a coal miner and was loved and highly respected by his community and all who knew him; and

WHEREAS, While Sergeant Elzie Mundy, Jr., is no longer a resident of Logan County, West Virginia, the community continues to hold him

close in thought and heart and in such high esteem that it desires to honor him with a namesake bridge; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119/5-1.00 in the Community of Pine Creek in Logan County, West Virginia, the "Sergeant Elzie Mundy, Jr. Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Sergeant Elzie Mundy, Jr. Bridge"; and, be it

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

Delegates Barill, Hunt, Fleischauer, Pino, Manypenny, Wells, Diserio, Howell, Jones, Manchin, Marshall, Moore, Paxton, Perry, Pethtel, D. Poling and Swartzmiller offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 7 - "Requesting that bridge number 31-N0099-0.04 on Sabraton Avenue in Morgantown, Monongalia County, West Virginia, be named the 'Sgt. Michael Todd May Memorial Bridge'."

WHEREAS, Sgt. Michael Todd May was born on April 2, 1970, in Morgantown, West Virginia, the son of Franklin Gerald May and Catherine Faye (Baker) May; and

WHEREAS, Sgt. Michael Todd May, a ten-year veteran of the Monongalia County Sheriff's Department, was tragically killed in the line of duty when, in the early hours of Saturday, February, 2012, a vehicle he was pursuing rammed his patrol car at a high rate of speed, causing the patrol car to crash and resulting in injuries that caused his death a short time later; and

WHEREAS, Sgt. Michael Todd May was raised in Morgantown, West Virginia, where he graduated from Morgantown High School in 1988; and

WHEREAS, Sgt. Michael Todd May enrolled at Fairmont State College to pursue a degree in Criminal Justice and, while attending Fairmont State College, became a member of the Tau Kappa Epsilon fraternity; and

WHEREAS, After college and subsequent graduation from the West Virginia State Police Academy, Sgt. Michael Todd May traveled to Martinsburg, West Virginia, working for a time at the Eastern Regional Correctional Facility and then hired as a Deputy Sheriff with the Berkeley County Sheriff's Office; and

WHEREAS, While with the Berkeley County Sheriff's Office, Sgt. Michael Todd May was offered a Deputy Sheriff position with the Monongalia County Sheriff's Office and, consequently, chose to return home to Morgantown and work in Monongalia County where he stayed until his death; and

WHEREAS, Throughout his youth and into adulthood, Sgt. Michael Todd May was an avid hunter and fisherman, always enjoying the outdoors and taking every opportunity to ride his Harley or travel into the mountains of West Virginia to help his father and brother work on a log cabin built by them, every step of the way, with their own hands; and

WHEREAS, Sgt. Michael Todd May was always a great friend, leader and coworker, taking his duties seriously and going far out of his way to help those in need, for example, preparing turkey dinners for the less fortunate at Thanksgiving and taking children shopping during the Sheriff's Association Shop With A Deputy Program; and

WHEREAS, Sgt. Michael Todd May is remembered by his coworkers for numerous and valuable reasons but especially for all the many ways and times he made them laugh, providing memories that

will delight the hearts and quiet the minds of survivors throughout their life; and

WHEREAS, Perhaps more than anything else, Sgt. Michael Todd May was a wonderful, caring, and dutiful son, brother, brother-in-law, uncle, nephew and cousin, loving his family as fully as he lived every second of his life; and

WHEREAS, Sgt. Michael Todd May, fully knowing the risks of his profession, gave steadfastly, energetically and with commitment, heart, loyalty and passion until, finally, he gave his life, all in aid of others and to improve the community and lives of those he served; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 31-N0099-0.04 on Sabraton Avenue in Morgantown, Monongalia County, West Virginia, when it comes under the State of West Virginia's possession and control, the "Sgt. Michael Todd May Memorial Bridge"; and, be it

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

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways; to the County Commission of Monongalia County; to Sgt. Michael Todd May's parents, Frank and Cathy May; and, to his brother and sister-in-law, Franky and Renee May.

Mr. Speaker, Mr. Thompson, and Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 8 - "Requesting the Division of Highways to name the bridge, bridge number 50-41-0.40 on County Route 41 in Wayne County, the 'S/Sgt. E. J. A. Maynard Memorial Bridge'."

WHEREAS, Staff Sergeant Maynard was born on September 12, 1921 in Wayne County, a son of Henry Maynard and Flora Marcum Maynard; and

WHEREAS, Staff Sergeant Maynard attended Milam grade school which required him to walk two miles each way, and lived with and worked for his uncle, Sherman Maynard, of Wilsondale while attending Wayne High School beginning in 1936 until 1940 when he graduated; and

WHEREAS, After completing two years at then Marshall College, Staff Sergeant Maynard entered the U. S. Army Infantry on July 17, 1942, serving with the 80th Infantry Division until transferring to the U.S. Army Air Corps where he was honorably discharged on November 16, 1945; and

WHEREAS, Staff Sergeant Maynard served as left waist gunner aboard a B-29 Superfortress with the 52nd Bombardment Squadron, 29th Bombardment Group (Heavy), 314th Bombardment Wing of the 20th Army Air Corps and was stationed on the Island of Guam in the Mariannas; and

WHEREAS, Staff Sergeant Maynard participated in the "Air Offensive Japan Eastern Mandated and Western Pacific Campaigns" and was in fifteen combat missions over the Empire of Japan from April 17 through June 26, 1945; and

WHEREAS, Staff Sergeant Maynard's squadron participated in the bombardment of Tokyo, Yokohama, Osaka, Kobe, Nagoya, Otake, Kagoshima, Hamamatsu, Tachikawa, Kushira and Tachiarai with as few as eleven B-29's and as many as five hundred fifty-eight B-29's on raids over Tokyo; and

WHEREAS, Staff Sergeant Maynard was awarded the Good Conduct Medal, the Air Medal with one Bronze Star, the A/P Theater Medal with three Bronze Stars, American Theater Medal and the World War II Victory Medal; and

WHEREAS, After returning from service Staff Sergeant Maynard completed his A.B. and M.A. degrees in education at Marshall College; and

WHEREAS, Staff Sergeant Maynard was a school teacher and principal in the Wayne County school system for thirty-seven years beginning teaching in one and two room schools at Wilsondale and McComas and spent the remainder of his teaching career at Crum High School where he also served as the principal for eight years; and

WHEREAS, While serving in his education capacities Staff Sergeant Maynard was a member of various county, state and national education as well as civic and fraternal associations; and

WHEREAS, Staff Sergeant Maynard died on July 9, 2008 at the Emma Jean Dolin Hospice House in Huntington after a long battle with Alzheimers; and

WHEREAS, It is fitting to honor Staff Sergeant Maynard for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-41-0.40 on County Route 41 in Wayne County, the "S/Sgt. E. J. A. Maynard 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 "S/Sgt. E. J. A. Maynard Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and his son, Gary S. Maynard.

Delegates Hamilton and Lynch offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 9 - "Requesting that bridge number 42-46-1.54 on County Route 46 between Czar and Helvetia, Randolph County, West Virginia, be named the 'Garry Lee Burgess Memorial Bridge'."

WHEREAS, Garry Lee Burgess was born on November 11, 1943, in Cabin Creek, Kanawha County, West Virginia, the son of Earl Edward Burgess and Sylvia Laura (Landers) Burgess; and

WHEREAS, Garry Lee Burgess grew up, one of eleven children, in Pickens, Randolph County, West Virginia; and

WHEREAS, Garry Lee Burgess enlisted in the United States Army as a young, single man and began his tour of duty in Vietnam on January 5, 1966; and

WHEREAS, Garry Lee Burgess served as a Specialist 4th Class, assigned to 11B, 25th Infantry Division; and

WHEREAS, Shortly into his first tour of duty, Garry Lee Burgess was wounded, received the Purple Heart and returned to the front following his recovery; and

WHEREAS, On Sunday, June 19, 1966, at the young age of 22, Garry Lee Burgess was fatally wounded in a hostile, artillery, rocket and mortar attack in South Vietnam; and

WHEREAS, Garry Lee Burgess gave the ultimate sacrifice for his country and it is, thus, fitting and proper that a bridge be named to memorialize his life; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-46-1.54 on County Route 46 between Czar and Helvetia, Randolph County, West Virginia, the "Garry Lee Burgess Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge

containing bold and prominent letters proclaiming the bridge the "Garry Lee Burgess Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to Garry's siblings, Geraldine B. Poore, Jewell Bailes, Dannie A. Burgess, Edna M. Farris, Rebecca E. Tweed, Charlotte J. Bailey, Sandra M. Bailey, Larry D. Burgess, David A. Burgess and Billy E. Burgess.

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

H. C. R. 10 - "Requesting the Division of Highways name bridge number 49-9-0.21 in Tennerton, Upshur County, West Virginia the 'Staff Sergeant Lesley Wayne Reed Memorial Bridge'."

WHEREAS, Lesley Wayne Reed was born on January 11, 1946, the son of William Otto Reed and Christine Bonner Reed; and

WHEREAS, Lesley Wayne Reed was raised in Upshur County and attended Upshur County public schools; and

WHEREAS, Staff Sergeant Lesley Wayne Reed served in Vietnam with D Company, 1st Battalion, 8th Infantry, 4th Infantry Division, U.S. Army; and

WHEREAS, Staff Sergeant Lesley Wayne Reed was killed in action on November 19, 1967, at Dak To, which was a major battle of the Vietnam War; and

WHEREAS, For his valor, Staff Sergeant Lesley Wayne Reed was awarded the Silver Star and a Purple Heart. Staff Sergeant Reed also received a National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal and Army Good Conduct Medal; and

WHEREAS, On that fateful day in November 1967, Staff Sargent Lesley Wayne Reed gave his last full measure of devotion to his country and to his comrades-in-arms; and

WHEREAS, It is only fitting and proper that this bridge be named in his honor, and that it henceforth stand as a permanent memorial so that Staff Sargent Lesley Wayne Reed's supreme sacrifice for our nation will not be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the bridge number 49-9-0.21 in Tennerton, Upshur County, West Virginia the "Staff Sergeant Lesley Wayne Reed 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 "Staff Sergeant Lesley Wayne Reed Memorial Bridge" with a designation that Staff Sergeant Reed served in the Vietnam War; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the family of Staff Sergeant Lesley Wayne Reed and to the Secretary of the Department of Transportation.

Delegates Walker, Barill, Campbell, Craig, Ferro, Fleischauer, Guthrie, Hamilton, Hartman, Hunt, Iaquinta, Ireland, Jones, Lawrence, Longstreth, Manchin, Marcum, Marshall, Moore, Overington, Pasdon, Paxton, Perdue, Perry, Pethtel, Pino, D. Poling, Poore, Reynolds, P. Smith, Stowers, Swartzmiller, Wells, White and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 11 - "Requesting the State of West Virginia to annually recognize August 16 as 'Airborne Day' in West Virginia."

WHEREAS, The members of the airborne forces of the Armed Forces of the United States have a long and honorable history as bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the ground combat power of the United States by air transport to the far reaches of the battle area and to the far corners of the world; and

WHEREAS, The experiment of the United States with airborne operations began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and forty-eight volunteers began training in July 1940; and

WHEREAS, August 16 marks the anniversary of the first official Army parachute jump, which took place on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute; and

WHEREAS, The success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II validated the airborne operational concept and led to the creation of a formidable force of airborne formations that included the 11th, 13th, 17th, 82nd and 101st Airborne Divisions; and

WHEREAS, The achievements of the airborne units during World War II prompted the evolution of those units into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia and Kosovo; and

WHEREAS, Since the terrorist attacks of September 11, 2001, the members of the United States airborne forces, including members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division, the 173rd Airborne Brigade Combat Team, the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, special operations forces of the Army, Marine Corps, Navy and Air Force, and other units of the Armed Forces, have demonstrated bravery and honor in combat, stability and training operations in Afghanistan and Iraq; and

WHEREAS, The modern-day airborne forces also include other elite forces composed of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Recon-

naissance units, Navy Seals, Air Force combat control and para-rescue teams; and

WHEREAS, Of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star, or other decorations and awards for displays of heroism, gallantry, intrepidity and valor; and

WHEREAS, The members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with the special skills and achievements of those members, distinguishes the members as intrepid combat parachutists, air assault forces, special operation forces and, in the past, glider troops; and

WHEREAS, Individuals from every State in the United States have served gallantly in the airborne forces, and each state is proud of the contributions of its paratrooper veterans during the many conflicts faced by the United States; and

WHEREAS, The history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

WHEREAS, The United States Senate on July 24, 2012 in Senate Resolution 527 designated August 16, 2012 as National Airborne Day; and

WHEREAS, The State of West Virginia has been represented by thousands of volunteer soldiers who have served, above and beyond the call of duty, in airborne forces in all branches of the United States military; and

WHEREAS, The famed 82nd Airborne Division of the United States Army was the first Airborne Division formed to protect and defend the United States of America and is the only Airborne Division to continuously serve in active service since the inception of airborne forces; and

WHEREAS, The West Virginia Airborne Chapter of the 82nd Airborne Division Association represents West Virginia residents who are airborne paratroopers who have served in every military engagement since World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests that the State of West Virginia annually recognize and observe August 16 as "Airborne Day" in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Harold A. Schroeder, President of the 82nd Airborne Division Association, the Secretary of State, the Secretary of the West Virginia Department of Military Affairs and Public Safety and the Governor of West Virginia.

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

H. C. R. 12 - "Expressing the sense of the Legislature that designating the annual observance of March 31 as 'West Virginia State Trooper Day' will appropriately honor the West Virginia State Police and our state troopers and, in addition, serve to increase the awareness and understanding of the West Virginia State Police and our state troopers' contributions to the daily fabric of our lives and sacrifices to theirs and their families."

WHEREAS, On March 31, 1919, the then Governor John Jacob Cornwall signed an act into law creating the West Virginia State Police; and

WWHEREAS, The effective date of the West Virginia State Police was June 29, 1919; and

WHEREAS, The West Virginia State Police is recognized as the fourth oldest State Police Agency in the United States; and

WHEREAS, The West Virginia State Police has changed throughout its years of existence both in terms of name and function; and

WHEREAS, The original name of the West Virginia State Police was the West Virginia Department of Public Safety, however, after a period of time, most citizens referred to the department as the "State Police" though not its official name; and

WHEREAS, During the 1989 Regular Legislative Session, the West Virginia Department of Safety grew to encompass more that just the "State Police" and, at that time, the "State Police" became the Department of Public Safety; and

WHEREAS, During the 1995 session, the "State Police" was, at long last, officially changed to the West Virginia State Police; and

WHEREAS, The role of the West Virginia State Police has expanded over the years to satisfy the needs of the State in areas of safety, crime, investigations, traffic regulation and others; and

WHEREAS, Despite its turbulent beginnings back in 1919 and its fluctuating budget and police-count over the years, the West Virginia State Police has managed to satisfy its growing duties with dedication, efficiency and professionalism; and

WHEREAS, State troopers are first responders to calls for help in a variety of emergencies, ranging from crimes, floods, fires, snow storms, hazardous materials spills and wrecks, to lost children and beloved pets in need of rescue; and

WHEREAS, State troopers are at the forefront in the state's war against drugs, spending long hours in often dangerous circumstances; and

WHEREAS, State troopers frequently risk their lives to protect the lives and property of their fellow citizens; and

WHEREAS, The hardships, dangers and long hours away from home endured by our State Police cause loving family members to bear many sacrifices and hardships; therefore, be it

Resolved by the Legislature of West Virginia:

That March 31 be designated as "West Virginia State Trooper Day"; and, be it

Further Resolved, That the Governor is hereby requested to take suitable public notice of this day in honor, recognition and appreciation of all West Virginia State Police and their families; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Governor of West Virginia and to the Superintendent of the West Virginia State Police.

Mr. Speaker, Mr. Thompson, and Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 13 - "Requesting the Division of Highways to rename Brinkley Bridge, bridge number 50-152-30.81 on County Route 152 in Wayne County, the 'Wayne County Veterans Memorial Bridge'."

WHEREAS, Countless numbers of proud residents of Wayne County have answered their country's call to duty by serving in all branches of the military; and

WHEREAS, These veterans have faithfully protected their country in military actions around the globe; and

WHEREAS, Many of these veterans have made the ultimate sacrifice; and

WHEREAS, Veterans have returned home to Wayne County where they continue to be valuable members of their communities; and

WHEREAS, It is fitting to honor Wayne County veterans for their commitment, dedication and service to their country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename Brinkley Bridge, bridge number 50-152-30.81 on County Route 152 in

Wayne County, the "Wayne County Veterans 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 "Wayne County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and Robert E. Pasley, President, Wayne County Commission.

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

H. C. R. 14 - "Requesting that bridge number 23-16-5.11 on West Virginia Route 16, Buffalo Creek Road at Amherstdale, Logan County, West Virginia, be named the 'Marine LCpl Benny A. Gilco Bridge'."

WHEREAS, LCpl Benny A. Gilco was born October 10, 1948, at Amherstdale, West Virginia, the son of Addilee and Tom Leo Gilco; and had five brothers and one sister; and

WHEREAS, LCpl Benny A. Gilco and his wife, Ella Bellamy Gilco, had two children and four grandchildren; and

WHEREAS, Benny A. Gilco is a resident of Accoville, Logan County, West Virginia; and

WHEREAS, LCpl Benny A. Gilco enlisted in the United States Marine Corp July 17, 1968; and

WHEREAS, LCpl Benny A. Gilco served with distinction as a rifleman and radioman in combat operations against insurgent Viet Cong forces in the vicinity of Quang Tri Province in the Republic of Vietnam in 1968 and 1969; and

WHEREAS, While operating approximately two miles north of Fire Support Base Russell in Quang Tri Province on May 25 and 26, 1969,

LCpl Benny A. Gilco's unit, Company B, First Battalion, Fourth Marines, Third Marine Division, came under heavy fire from a large and well-concealed North Vietnamese Army Force; and

WHEREAS, During the fire fight which ensued, Lance Corporal Gilco boldly assumed a forward position to direct accurate suppressive fire at the enemy, and was instrumental in forcing the enemy force to break off contact; and

WHEREAS, LCpl Benny A. Gilco particularly distinguished himself for meritorious service by displaying courage and composure under fire and by enhancing the operational effectiveness of his unit by initiative, superb professionalism and loyal devotion to duty; and

WHEREAS, LCpl Benny A. Gilco was awarded the Vietnam Cross of Gallantry with bronze, the Vietnam Campaign Medal with device, the Combat Action Ribbon, the National Defense Service Medal, the Navy Commendation Medal with Combat V, the Vietnam Service Medal with one star, the Combat Action Ribbon, and the Good Conduct Medal; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-16-5.11 on West Virginia Route 16, Buffalo Creek Road, Logan County, West Virginia, the "Marine LCpl Benny A. Gilco Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Marine LCpl Benny A. Gilco Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Benny A. Gilco at P.O. Box 161, Accoville, West Virginia, and a certified copy to the Commissioner of the Division of Highways.

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

H. C. R. 15 - "Requesting the Division of Highways to name the bridge on Route 119, in Chapmanville, Logan County, at Garrett Fork, bridge number 23-7-0.33, as the 'Curtis Emmet Lowe Bridge'."

WHEREAS, Curtis Emmet Lowe is a resident of Chapmanville, Logan County, West Virginia; and

WHEREAS, Curtis Emmet Lowe was born January 18, 1918, at Wheatley Branch, West Virginia to Joseph and Susan Scragg Lowe, the youngest of four children. Both parents died before he was nine years old and he was raised by his grandmother and later an aunt and uncle; and

WHEREAS, Curtis Emmet Lowe enlisted in the United States Navy at the age of eighteen on April 13, 1937. He served on the U.S.S. Philadelphia for three and a half years. During that service, President Franklin D. Roosevelt boarded the U.S.S. Philadelphia at Charleston, South Carolina for a fishing trip to the Turks Island in the Caribbean. The president was on the ship for a week and was returned to South Carolina. During this week, the Philadelphia provided emergency medical attention to a sailor on a Norwegian ship, for which the Philadelphia and President received a thank you from the King of Norway. Curtis Emmet Lowe received his discharge on April 25, 1941, in San Diego, California, having served in Hawaii. He returned home after his sister died and while living on Godly Branch he heard about the Japanese attach on Pearl Harbor. He reenlisted in the Navy in July 1942 and shortly thereafter received a draft notice. He was initially stationed in New York City where he was joined by his wife and son. Then he served on the U.S.S. Elizabeth Stanton which had been converted from a cargo ship to a troop transport. He was sent to North Africa for the Morocco Landing on November 8 through 11, 1942. He participated in the Sicilian occupation July 9 through 15, 1943 and the Salerno Landing in Southern Italy September 9 through

21, 1943. He returned to the United States for a brief stay and then took a convoy of sailors and equipment to Scotland; and

WHEREAS, Curtis Emmet Lowe was on the LST 1008 on the island of Saipan when WW II ended. He was subsequently honorably discharged on October 5, 1945 with the rank of Chief Boatswain's Mate. Curtis Emmet Lowe married Norma Frye on June 1, 1953. They had two children, Joseph Andrew Lowe, now deceased, and Phyllis L. Lowe. He had two sons, Curtis E., Jr. and Kenneth, now deceased, with his first wife, Gertie Stilner; and

WHEREAS, It is fitting to honor Curtis Emmet Lowe by naming the bridge at Garrett Fork for Curtis Emmet Lowe; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge the bridge on Route 119, in Chapmanville, Logan County, at Garrett Fork, bridge number 23-7-0.33, as the "Curtis Emmet Lowe Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Curtis Emmet Lowe Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation; and to Mr. Curtis Emmet Lowe and to his surviving children and relatives.

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

H. C. R. 16 - "Requesting the Division of Highways to name the bridge on Route 73, crossing over Highway 5/05, in Logan, Logan County, West Virginia, the 'Army Specialist-4 Harmon "Hoppy" Lee Hopson Jr. Memorial Bridge'."

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. was born on December 7, 1947, inside a one room log cabin at War Eagle, West Virginia, son of Sylvia and Harmon Hopson Sr.; and

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. was drafted into the United States Army on August 15, 1967; and

WHEREAS, While in the United States Army, Harmon "Hoppy" Lee Hopson Jr. served in Vietnam, returning home on August 14, 1969; and

WHEREAS, During his time in the United States Army, Harmon "Hoppy" Lee Hopson Jr. was initially a private but grew in rank until becoming a Specialist-4; and

WHEREAS, For his valiant, dedicated and courageous service during the tumultuous Vietnam War, Harmon "Hoppy" Lee Hopson Jr. was awarded the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal with Device and three Bronze Service Stars; and

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. attended the Radio Relay and Carrier Operator School at the USA Southeaster Signal School in Fort Gordon, Georgia, and served as a General Equipment Operator/Mechanic and Power Plant Operator throughout his years of service; and

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. was honorably discharged on August 14, 1973, and forever after took great pride in being a veteran soldier and for having served his country; and

WHEREAS, When Harmon "Hoppy" Lee Hopson Jr. returned to civilian life, he worked in the coal mines for thirty-seven years, retiring as a mine foreman in 2011; and

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. was an amazing husband to his loving wife of thirty-four years, Carolyn Sue Lawrence Hopson of Amherstdale, West Virginia, and a wonderful father to his five children: Angela Doss of Cleveland, Ohio; Dawn Hopson of

Yanceyville, North Carolina; Ashley Goodman of Amherstdale, West Virginia; Harmon Duncan of Cleveland, Ohio; and Brian Hopson of Yanceyville, North Carolina; and

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. loved his family deeply, especially cherishing his nine grandchildren: Robert Doss, Shandi Doss, Jahvalin Hopson, Jazzmine Dunn, Marskie Dunn II, Michael Harmon Hopson, Jerry Dale Ellis II, Caiden Goodman and Justin Hopson; and

WHEREAS, Throughout his life, Harmon "Hoppy" Lee Hopson Jr. was a mentor to many and loved by all, never meeting a stranger and never hesitating to help someone in need; and

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. had a rich and diverse life enjoying singing, song-writing, playing the guitar and banjo, sculpting, working on small engines, dreaming up new inventions and spending time outdoors hunting, fishing and riding in the hills; and

WHEREAS, Harmon "Hoppy" Lee Hopson Jr. passed away on December 22, 2011, after a long, hard battle with cancer, having faced his illness with the same mentality that kept him strong in life, refusing to let his illness rob him of any of his remaining days; and

WHEREAS, All who knew Harmon "Hoppy" Lee Hopson Jr., thought him a remarkable man with a magnetic spirit that attracted and lifted everyone in his presence; and

WHEREAS, It is fitting and proper that this bridge be named in his honor and that it henceforth stand as a permanent memorial so that Harmon "Hoppy" Lee Hopson Jr. will not be forgotten and his spirit carried forward; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the bridge on Route 73, crossing over Highway 5/05, in Logan, Logan County, West Virginia, the "Army Specialist-4 Harmon 'Hoppy' Lee Hopson Jr. 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 "Specialist-4 Harmon 'Hoppy' Lee Hopson Jr. Memorial Bridge" with a designation that Harmon "Hoppy" Lee Hopson Jr. served in the Vietnam War; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Harmon "Hoppy" Lee Hopson Jr.'s loving wife, children and grandchildren and to the Secretary of the Department of Transportation.

Delegates Ashley and Walker offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 17 - "Requesting that the I-79 interchange at Exit 34, the Wallback, West Virginia exit, be named the 'State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange', that each bridge at the interchange be named the 'State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Bridge', and that the east-bound and west-bound lanes of State Route 36 at the interchange be named the 'State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Road'."

WHEREAS, Marshall Lee Bailey was born June 24, 1970, the son of Maxie Lee and Earlene Gail McClanahan Bailey of Poca, West Virginia; and

WHEREAS, Marshall Lee Bailey graduated from Poca High School in 1988, where he participated in football, basketball and track; and

WHEREAS, Marshall Lee Bailey graduated from West Virginia State University with a Bachelor of Science Degree in Criminal Justice; and

WHEREAS, Marshall Lee Bailey graduated from the West Virginia State Police Academy March 29, 1996, was promoted to Senior Trooper in October of 1998, was promoted to Trooper 1st Class in

October of 2003 and was promoted to the rank of Corporal in October, 2004; and

WHEREAS, Cpl. Marshall Lee Bailey was a member of the Pleasant Dale Baptist Church in Clay, West Virginia; and

WHEREAS, Cpl. Marshall Lee Bailey was the father of three children, Whitney Dawn Bailey, Lauryn Skylar Bailey and Wyatt Lee Bailey, and was the grandfather of Timothy Allen Welch; and

WHEREAS, Cpl. Marshall Lee Bailey was a brother to Dr. Justin Dale Bailey of Charleston, West Virginia; and

WHEREAS, Cpl. Marshall Lee Bailey loved being outdoors and liked to hunt and fish; and

WHEREAS, Cpl. Marshall Lee Bailey had a life-long interest in being a law-enforcement officer, enjoyed being a part of protecting the citizens of Clay County, West Virginia and was proud to wear the uniform of a West Virginia State Trooper; and

WHEREAS, Cpl. Marshall Lee Bailey was shot and killed in the line of duty August 28, 2012, after conducting a traffic stop for reckless driving at the Wallback interchange of Interstate 79 in Clay County near the Roane County line; and

WHEREAS, Eric Michael Workman was born March 29, 1986, the son of George and Connie Workman of Ivydale, West Virginia; and

WHEREAS, Eric Michael Workman graduated from Clay County High School in 2004; and

WHEREAS, Eric Michael Workman graduated from West Virginia State University in 2009 with a Bachelor of Science Degree in recreation, with a minor in criminal justice; and

WHEREAS, While in college Eric Michael Workman was a member of the university baseball team, Player of The Year for 2009 and Second Team All American; and

WHEREAS, West Virginia State Police Trooper Eric Michael Workman completed training at the West Virginia State Police Academy August 5, 2011; held a certificate in police science from Northwest Community and Technical College; was a member of the West Virginia State Police Honor Guard and the State Troopers Association; and was especially interested in helping to make a difference in reducing alcohol and drug abuse; and

WHEREAS, Trooper Eric Michael Workman was of the Baptist faith and served to enrich the lives of others even in his death by his selfless decision to be an organ donor; and

WHEREAS, Trooper Eric Michael Workman was a member of the Elk River Musky Club and the Big Knob Hunt Club, and was looking forward to teaching his nephew to hunt, fish and play baseball; and

WHEREAS, Trooper Eric Michael Workman died August 31, 2012, of wounds received in the line of duty August 28, 2012, following a traffic stop for reckless driving at the Wallback interchange of Interstate 79 in Clay County near the Roane County line; and

WHEREAS, In addition to his parents, Trooper Eric Michael Workman was survived by his sister and brother-in-law, Rebecca and Josh King and nephew Aiden King of Wallback; maternal grandmother, Hallie (Corrine) Woods of Ivydale; aunts Susie Sears of Ivydale and Tammy Wilmoth of Pension, TN; and uncle, Bobby Woods of Ivydale; therefore, be it

Resolved by the Legislature of West Virginia:

That the I-79 interchange at Exit 34, the Wallback, West Virginia exit, be named the "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange", that each bridge at the interchange be named the "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Bridge", and that the east-bound and west-bound lanes of State Route 36 at the interchange be named the "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs in bold and prominent letters proclaiming the I-79 interchange at Exit 34, the Wallback, West Virginia exit, the "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange", and proclaiming each bridge at the interchange the "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Bridge", and proclaiming the east-bound and west-bound lanes of State Route 36 at the interchange the "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Road"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Maxie and Earlene Bailey at Poca, West Virginia, and a certified copy to George and Connie Workman at Ivydale, West Virginia, and a certified copy to the Commissioner of the Division of Highways.

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

H. C. R. 18 - "Requesting that bridge number 49-4/15-0.93 on County Route 4/15, Upshur County, West Virginia, currently known as the 'French Creek Bridge' be named the 'Cpl. Sherald P. Brady, U.S. Army Memorial Bridge'."

WHEREAS, Sherald Perry Brady was born November 7, 1919, the son of Mr. and Mrs. Frank S. Brady of Volga, West Virginia; and

WHEREAS, Cpl. Sherald P. Brady enlisted in the United States Army October 22, 1941, was sent to England in June of 1942, and was sent to Africa in March of 1943; and

WHEREAS, Cpl. Sherald P. Brady served with the U. S. Army 4th Ranger Battalion which landed in Sicily, and was killed in action there July 10, 1943; and

WHEREAS, Cpl. Sherald P. Brady was awarded a Purple Heart; and

WHEREAS, Cpl. Sherald P. Brady was the twelfth person from Upshur County, West Virginia to give his life in the service of his country during World War II; and

WHEREAS, Cpl. Sherald P. Brady was buried at Sicily-Rome American Cemetery at Nettuno, Italy, Plot I, Row 4, Grave 13; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 49-4/15-0.93 on County Route 4/15, Upshur County, West Virginia, currently known as the "French Creek Bridge" the "Cpl. Sherald P. Brady, U.S. Army Memorial Bridge"; and, be it

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

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

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

H. C. R. 19 - "Requesting that bridge number 49-3/4-2.40 in the Community of Kesling Mill in Upshur County, West Virginia, be named the 'Corporal Ronald Lee Kesling Memorial Bridge'."

WHEREAS, Corporal Ronald Lee Kesling was born on March 4, 1947, in Buckhannon, West Virginia, to Paul and Katherine Smith Kesling; and

WHEREAS, Corporal Ronald Lee Kesling graduated from Towson High School in Towson, Maryland; and

WHEREAS, Corporal Ronald Lee Kesling enlisted in the United States Marine Corps and began his tour of duty in Vietnam on January 26, 1967; and

WHEREAS, Corporal Ronald Lee Kesling was killed on December 27, 1967 by hostile gunfire in the Quang Tri Province, South Vietnam; and

WHEREAS, Corporal Ronald Lee Kesling was awarded the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal and the Republic of Vietnam Campaign Medal; and

WHEREAS, Corporal Ronald Lee Kesling served his country and his state with honor and distinction and gave the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 49-3/4-2.40 in the Community of Kesling Mill in Upshur County, West Virginia, the "Corporal Ronald Lee Kesling Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Corporal Ronald Lee Kesling Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to Corporal Kesling's sisters, Barbara Weaver, Sue Barron and Lois Hain.

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

By Delegate Kump:

H. J. R. 1 - "Proposing an amendment to the Constitution of the State of West Virginia, amending sections eighteen and twenty-two, article VI thereof, relating to starting the legislative session on the second Wednesday of March of each year; numbering and designating such proposed amendment; and providing a summarized statement of

the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegate Kump:

H. J. R. 2 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to imposing a limit of eight consecutive years that a legislator may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Judiciary.

By Delegate Kump:

H. J. R. 3 – "Proposing an amendment to the Constitution of the State of West Virginia, amending sections one, two and seventeen, article VII thereof, relating to the executive department and creating the Office of Lieutenant Governor; election and vacancy in the lieutenant governorship; providing that the Lieutenant Governor will serve as the chairperson of the Public Service Commission; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegate Kump:

H. J. R. 4 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section 7, article VI thereof, relating to creating a legislative districting and apportionment commission for the apportionment of the Senate and House of Delegates after census; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegate Lane:

H. J. R. 5 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article I thereof and section ten, article VI thereof, relating to representatives to Congress, the arrangement of Congressional, Senatorial and Delegate Districts

after census by creating a Citizens' Redistricting Commission; designating the terms of office and duties of commissioners; providing that Citizens' Redistricting Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendments"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Sumner and Sobonya:

H. J. R. 6 – "Proposing an amendment to the Constitution of the State of West Virginia, article VI thereof, by adding thereto a new section, designated section fifty-seven, relating to clarifying that nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Fleischauer, Ferro, Moore, Ellem, Kump, Overington and Romine:

H. J. R. 7 – "Proposing an amendment to the Constitution of the State of West Virginia, by adding thereto a new section, article X, section 1-d, relating to authorizing the Legislature to grant or establish, by general law, exemptions or deferrals of certain ad valorem personal property taxes to members of the military or National Guard while they are engaged in active military service outside the state"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Craig, Reynolds, Pasdon, Hartman and Andes:

H. J. R. 8 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to exempt tangible personal property from ad valorem taxation; authorizing the Legislature to reduce maximum levy rates on tangible personal property as an alternative to exempting such property from ad valorem property taxation; requiring the Legislature to

provide measures by which revenues reduced or lost as a result of such an exemption or rate reduction may be replaced; prohibiting any impact on any excess levy in effect at the time an exemption or rate reduction takes effect; authorizing the Legislature to phase in an exemption or rate reduction over a period not to exceed five years on property being taxed at the time an exemption or rate reduction takes effect; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Lane and Walters:

H. J. R. 9 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Hamilton, Ireland, Romine, Rowan and Sobonya:

H. J. R. 10 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section twenty-three, relating to defining what constitutes a valid and recognized marriage in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Fleischauer, Guthrie, Marshall, Poore, Morgan, Armstead, Lane, Overington and Espinosa:

H. J. R. 11 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section one-d, relating to the homestead exemption; authorizing an alternative amount or method of calculating the homestead exemption under certain circumstances; authorizing a surviving spouse to qualify for a homestead exemption under certain circumstances; designating such proposed amendment; and providing

a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Romine, Walters, A. Evans, Azinger, Miller and Rowan:

H. J. R. 12 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article ten thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless sixty percent of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Overington, Armstead, Rowan, Sumner, Walters, Andes and Lane:

H. J. R. 13 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Overington, Householder, Andes, Cowles and Gearheart:

H. J. R. 14 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23 relating to the right to work;

numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Overington, Andes, Lane, Armstead and Walters:

H. J. R. 15 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegate Longstreth:

H. J. R. 16 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Caputo, Manchin and Longstreth:

H. J. R. 17 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Caputo, D. Poling, Longstreth and Manchin:

H. J. R. 18 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption for totally disabled veterans; numbering and designating such proposed amendment; and providing

a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Overington, Lane, Sobonya, Sumner, Walters, Canterbury and Andes:

H. J. R. 19 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article three thereof, relating to prohibiting the taking of private property for private use; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Overington, Ellington, R. Phillips, Sobonya, Miller, Walters, Storch and Gearheart:

H. J. R. 20 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article VIII thereof, by adding thereto a new section, designated section 16, relating to imposition of capital punishment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Overington, Cowles, Householder, Rowan and Howell:

H. J. R. 21 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Overington, Walters and Azinger:

H. J. R. 22 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; referred to the Committee on Constitutional Revision then Finance.

By Delegates Anderson, Ellem, Storch, Gearheart, Ellington and Howell:

H. J. R. 23 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

By Delegates Anderson, E. Nelson, Azinger, Howell, Overington, Gearheart, Storch and Pasdon:

H. J. R. 24 – "Proposing an amendment to the Constitution of the State of West Virginia, amending Article X by adding thereto a new section, designated section one-d, relating to authorizing the exemption from ad valorem taxation of tangible personal property directly used in commercial and industrial businesses; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

Delegates Perdue, Campbell, Staggers, Ellington and Perry offered the following resolution, which was read by the Clerk as follows:

H. R. 6 - "Designating that February 13, 2013 be proclaimed as 'West Virginia Nurses Unity Day'."

WHEREAS, One in forty-three West Virginians is a nurse; and

WHEREAS, Nurses make a significant contribution of time, energy, heart and care toward the healing of our residents who are ill and suffering; and

WHEREAS, Nurses are powerful advocates for the health and well-being of all West Virginians, providing education, screening, nursing intervention, evaluation and research to improve the health of West Virginia residents throughout the life span from pre-birth to the end of life; and

WHEREAS, Nurses meet the health needs of West Virginians not only in hospitals and long term-care facilities, but conveniently in their homes, at school, at work, at church, in community health centers, on the phone and on the internet; and

WHEREAS, The Institute of Medicine recognizes nurses as key to solving our current rising cost of chronic illness through their expanding leadership as coordinators and collaborators of interdisciplinary health care teams; and

WHEREAS, The expanding roles of Advanced Practice Registered Nurses as Nurse Anesthetists, Nurse Midwives, and Certified Nurse Practitioners in a variety of specialties provide improved cost-effective access to health services in our rural state; and

WHEREAS, The American public has voted to acknowledge nurses as the *"Most Trusted Professional"* for twelve years; therefore, be it

Resolved by the House of Delegates:

That February 13, 2013, is hereby designated as West Virginia Nurses Unity Day in recognition of the outstanding contributions made by all of our West Virginia nurses to the health, welfare and safety of our State and all of its citizens.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 6) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

PETITIONS

Delegates Caputo, Manchin and Longstreth presented a petition on behalf of their constituents, requesting an upgrade to Sugar Lane Road in Marion County; which was referred to the Committee on Roads and Transportation.

BILLS INTRODUCED

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

By Delegate Caputo:

H. B. 2001 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4 and §8-15B-5, all relating to meeting and conference rights for members of fire departments employed by political subdivisions; providing for the right of self-organization; allowing designation of an exclusive representative agent; imposing a duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes; listing prohibited acts; allowing hearing before Civil Service Commission; providing judicial review; specifying powers and duties of the Civil Service Commission; and allowing injunctive relief"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Caputo:

H. B. 2002 – "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; and requiring rules relating to interscholastic athletic football events include the requirement that neck braces be worn by all football players"; to the Committee on Education then Finance.

By Delegate Caputo:

H. B. 2003 – "A Bill to amend and reenact §21-5C-3 of the Code of West Virginia, 1931, as amended, relating to maximum hours of work; and providing that an employee has the right to decline to work more than forty hours in any one workweek"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Perry:

H. B. 2004 – "A Bill to amend and reenact §17A-10-8 of the Code of West Virginia, 1931, as amended, relating to exempting nonprofit organizations from paying an annual motor vehicle registration fee"; to the Committee on Roads and Transportation then Finance.

By Delegate Hamilton:

H. B. 2005 – "A Bill to amend and reenact §61-6-17 of the Code of West Virginia, 1931, as amended, relating to crimes against the peace; defining 'acts of violence' while limiting that definition to acts committed on school property; and making false reports of those acts of violence felonies"; to the Committee on the Judiciary.

By Delegate Iaquinta:

H. B. 2006 – "A Bill to amend and reenact §10-1-2 of the Code of West Virginia, 1931, as amended, relating to permitting counties, county boards of education and municipalities to impose an additional levy on property within the county for the sole purpose of funding public libraries; stating legislative intent; and establishing tax rates for classes of property"; to the Committee on Political Subdivisions then Finance.

By Delegate Iaquinta:

H. B. 2007 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5S-12, relating to establishing a program for collecting and reprogramming used cellular telephones for distribution to seniors without cellular phones for emergency calls"; to the Committee on Senior Citizen Issues then Finance.

By Delegate Iaquinta:

H. B. 2008 – "A Bill to amend and reenact §61-3C-3 and §61-3C-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §61-3C-4a, §61-3C-4b, §61-3C-4c and §61-3C-4d, all relating to protecting computer owners and users from computer spyware; making it unlawful for persons to transmit computer software for the purpose of modifying

settings, collecting personal information by deceptive means or preventing efforts to protect a computer to access a computer; making it unlawful to transmit software to control in such a way as to cause damage or opening multiple pop-up windows; making it unlawful to transmit software for the purpose of modifying settings that protect personal information; making it unlawful to transmit software for the purpose of blocking efforts to block or disable computer software; making it unlawful to induce the installation by misrepresentations or deception; exceptions; and authorizing the Attorney General to enforce this act"; to the Committee on the Judiciary.

By Delegate Kump:

H. B. 2009 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-4a, relating to providing petitioners to referendums, elections or any other ballot issue be afforded the same privacy rights as voters"; to the Committee on the Judiciary.

By Delegate Kump:

H. B. 2010 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-11B-1, §21-11B-2, §21-11B-3, §21-11B-4, §21-11B-5, §21-11B-6, §21-11B-7 and §21-11B-8, all relating to employment choices; prohibiting a requirement that a person, as a condition of employment, to affiliate or not affiliate with a labor organization and pay dues or other fees; providing that agreements of this type are void as a matter of law; defining a term; providing injunctive relief and a monetary penalty; providing for a private cause of action; requiring prosecuting attorneys and the Attorney General to investigate complaints; and providing exceptions"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Iaquinta:

H. B. 2011 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-401a, relating to establishing threshold quantities of certain controlled substances to show prima facie evidence of the crime of possession with intent to deliver"; to the Committee on the Judiciary.

By Delegate Marshall:

H. B. 2012 – "A Bill to amend and reenact §18-16-2, §18-16-3 and §18-16-4 of the Code of West Virginia, 1931, as amended, all relating to West Virginia's antihazing statute; clarifying the definitions of hazing and institution of higher learning; eliminating potential defenses; permitting the accused to have a hearing; providing protections for the identities of the accused; providing that the antihazing statute does not preclude prosecution from more general offenses; providing for instances of hazing that do not result in an injury any penalty must also include remedial instruction and training"; to the Committee on the Judiciary.

By Delegate Moye:

H. B. 2013 – "A Bill to amend and reenact §5-10-25 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Retirement System; and preventing reduction of disability pensions at age sixty-five"; to the Committee on Pensions and Retirement then Finance.

By Delegate Perdue:

H. B. 2015 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-6K-6a, relating to establishing that barren coal properties have no value for the purpose of ad valorem property taxation"; to the Committee on Finance.

By Delegate Perdue:

H. B. 2016 – "A Bill to amend and reenact §11-16-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding a new article, designated §16-43-1, §16-43-2 and §16-43-3 of said code; to amend and reenact §60-3A-17 of said code; and to amend and reenact §60-8-4 of said code, all relating to funding for substance abuse services through increased taxes on beer, wine and liquor; increasing the barrel tax on nonintoxicating beer; increasing the tax on purchases of liquor; increasing the liter tax; creating a Prevention, Intervention, Treatment and Recovery Fund to fund substance abuse programs; creating the Alcohol and Drug Disbursement Board; granting the board

the authority to decided how money from the fund may be spent to enhance services available to reduce drug and alcohol abuse; setting forth the board's membership and term lengths; and requiring annual reports be made to the Legislature"; to the Committee on Health and Human Resources then Finance.

By Delegate Wells:

H. B. 2017 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-39, relating to providing nonsupervisory employees of the West Virginia State Board of Education with the same protections against summary dismissal as are applicable to employees of county boards of education through continuing contracts and dismissal for cause"; to the Committee on Education then the Judiciary.

By Delegate Sumner:

H. B. 2018 – "A Bill to amend and reenact §29-22A-8 of the Code of West Virginia, 1931, as amended, relating to establishing an additional annual license fee of $1,000 for the privilege of holding a license to operate video lottery terminals at race tracks; and providing that the moneys collected are paid to the state Teachers Retirement System Fund"; to the Committee on the Judiciary then Finance.

By Delegate Kump:

H. B. 2019 – "A Bill to amend and reenact §3-6-2 of the Code of West Virginia, 1931, as amended, relating to elections; forms and contents of ballots; providing a 'none of the above' category of primary and general election ballots for state-wide elections of state elected offices; requiring subsequent election if the 'none of the above' receives a majority of the votes; and requiring an election for that vacant office be held within one hundred twenty days or as otherwise determined by the Secretary of State"; to the Committee on the Judiciary then Finance.

By Delegate Ellem:

H. B. 2020 – "A Bill to amend and reenact §62-1C-17c of the Code of West Virginia, 1931, as amended, relating to conditions of bond for

defendants in cases of crimes between family or household members generally; and setting forth certain specific statutory conditions in lieu of allowing the issuing authority to set conditions of bail"; to the Committee on the Judiciary.

By Delegate Caputo:

H. B. 2021 – "A Bill to amend and reenact §22A-1-25 and §22A-1-27 of the Code of West Virginia, 1931, as amended, all relating to requiring the Mine Foreman Examiner to review the employment history and certify that the applicant for the position of underground assistant mine foreman has met the underground mine experience requirements for the position"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Azinger:

H. B. 2022 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-14a, relating to the requirements for designated handicapped accessible rooms in motels and hotels; requiring tubs and showers in every hotel or motel room that has been designated or held out to be handicapped accessible to include grab bars on all walls of the tub or shower, consistent with applicable design standards of the Americans with Disabilities Act of 1990"; to the Committee on the Judiciary.

By Delegate Poore:

H. B. 2023 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-3-1c, relating to requiring protective fencing be erected along railroad lines operating adjacent to public schools; and authorizing rule-making"; to the Committee on the Judiciary.

By Delegate Rowan:

H. B. 2024 – "A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to allowing guidance counselors to compete equally for all guidance counselor positions regardless of whether the position is posted for the elementary grade levels or the secondary grade levels"; to the Committee on Education.

By Delegate Sumner:

H. B. 2025 – "A Bill to amend and reenact §17-16A-18 of the Code of West Virginia, 1931, as amended, relating to terminating tolls on the West Virginia Turnpike by 2020"; to the Committee on Roads and Transportation then Finance.

By Delegate Sumner:

H. B. 2026 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-13-805, relating to requiring self-employed persons to participate in the Bureau of Child Support Enforcement's Pay Connexion program"; to the Committee on the Judiciary.

By Delegate Kump:

H. B. 2027 – "A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto a new section designated §3-5-6a; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; and to amend said code by adding thereto a new section, designated §3-6-2a, all relating to the nonpartisan elections of Governor, Secretary of State, Treasurer, Auditor, Attorney General and Commissioner of Agriculture, justices of the West Virginia Supreme Court of Appeals and circuit court judges; setting the timing and frequency of elections; separating these offices from the partisan ballot; establishing the filing announcement of candidacies; permitting the withdrawal of announcement of candidacies; permitting the refund of paid filing fees; setting forth ballot content; and establishing a voting procedure for justices of the West Virginia Supreme Court of Appeals"; to the Committee on the Judiciary.

By Delegate Marshall:

H. B. 2028 – "A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8 and §18A-4-8a of said code, all relating to the employment and compensation of school service personnel; creating two new job titles for bus drivers; establishing the pay grades of those two new job titles; providing for additional payment to classroom aides in

prekindergarten or kindergarten classes for any pupils over the twenty maximum pupil-teacher ratio; and establishing a pupil-teacher ratio of twenty to one in all prekindergarten classes"; to the Committee on Education then Finance.

By Delegate Fleischauer:

H. B. 2029 – "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting existing churches from paying tax on propane and other forms of heating oil used for heating their church buildings"; to the Committee on the Judiciary.

By Delegate Azinger:

H. B. 2030 – "A Bill to amend and reenact §54-1-2a of the Code of West Virginia, 1931, as amended, relating to a commercial property owner's election to have his or her property appraised by an appraiser who has been certified by the Member of the Appraisal Institute (MAI) after an offer has been made to purchase property but before condemnation proceedings are initiated"; to the Committee on the Judiciary.

By Delegate Hamilton:

H. B. 2031 – "A Bill to amend and reenact §5-10-52 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Retirement Act; and calculating benefits and service for certain members of the Legislature"; to the Committee on Pensions and Retirement then Finance.

By Delegate Manypenny:

H. B. 2032 – "A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to elections and nominating procedures generally; and expanding the scope of the definition of a political party"; to the Committee on the Judiciary.

By Delegate Manypenny:

H. B. 2033 – "A Bill to amend and reenact §62-11B-4, §62-11B-5, §62-11B-6 §62-11B-7 and §62-11B-9 of the Code of West Virginia,

1931, as amended, all relating to requiring an automatic home confinement sentence for nonviolent misdemeanors, except where it can be demonstrated that home confinement is unwarranted; providing that any crime with a minimum sentence greater than six months is not eligible for home incarceration; requiring persons who are sentenced to home confinement attend a sobriety program; requiring the offender of any crime involving alcohol, controlled substances or drugs be required to attend a sobriety program once a week; requiring either full-time employment, thirty-six hours a week or more, or twenty hours weekly of community service for each week the offender is on home confinement; providing certain instances where automatic home incarceration is not available; allowing a county commission to use moneys from the special fund to finance community corrections programs; and requiring a participant sentenced to home incarceration be subject to the same procedures involving revocation as would a person on probation"; to the Committee on the Judiciary then Finance.

By Delegate Paxton:

H. B. 2034 – "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-3 of said code, all relating to exempting children receiving an exemption from compulsory school attendance in favor of church school from the standardized testing requirement"; to the Committee on Education.

By Delegate Paxton:

H. B. 2035 – "A Bill to amend and reenact §18A-4-7 of the Code of West Virginia, 1931, as amended, relating to providing that a substitute teacher be paid the full daily rate of the advanced salary if he or she has taught more than ten instructional days in the same school year"; to the Committee on Education then Finance.

By Delegate Paxton:

H. B. 2036 – "A Bill to amend and reenact §18A-4-8 and §18A-4-8b of the Code of West Virginia, 1931, as amended, all relating to itinerant status for school service personnel; and information to be included in a notice of job vacancy"; to the Committee on Education.

By Delegate Paxton:

H. B. 2037 – "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the minimum sentence to fifteen years for a person who maliciously assaults a government representative, health care worker or emergency service personnel acting in his or her official capacity; and increasing the minimum sentence to ten years for a person who unlawfully, but not maliciously, assaults a government representative, health care worker or emergency service personnel acting in his or her official capacity"; to the Committee on the Judiciary then Finance.

By Delegate Howell:

H. B. 2038 – "A Bill to amend and reenact §11A-3-22 of the Code of West Virginia, 1931, as amended, relating to service of a notice to redeem to the delinquent taxpayer after a property has been sold for delinquent taxes"; to the Committee on Finance.

By Delegate Caputo:

H. B. 2039 – "A Bill to amend and reenact §33-2-21 of the Code of West Virginia, 1931, as amended, relating to granting the Insurance Commissioner the authority to regulate and penalize self-insured employers; providing for monetary penalties; and permitting noncompliant self-insured employers to become compliant without penalty"; to the Committee on Banking and Insurance then Government Organization.

By Delegate Williams:

H. B. 2040 – "A Bill to amend and reenact §61-3-39g of the Code of West Virginia, 1931, as amended, relating to requiring a summons be issued for the drawer of a worthless check whether a resident of this or another state; requiring the summons include the date, time and place where the drawer is required to appear; requiring the drawer be given the option, in lieu of appearing, to make payment of the amount of the worthless check plus any applicable court costs; providing that a nonresident drawer who fails to appear and fails to satisfy the amount owed shall have his or her privilege to operate a motor vehicle in this state revoked and the Division of Motor Vehicles is to mail a notice of

the revocation to its counterpart in the state where the nonresident drawer resides; and providing that a West Virginia resident who fails to appear and fails to satisfy the amount owed shall have his or her driver's license revoked until the owed amount is paid"; to the Committee on the Judiciary then Finance.

By Delegate Ellem:

H. B. 2041 – "A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended, relating to changing the time for periodic valuations and assessments of real and personal property; and providing for a ten percent cap on any increase in one year"; to the Committee on the Judiciary then Finance.

By Delegate Sumner:

H. B. 2042 – "A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; providing for election and removal of commissioners; setting terms of office for elected commissioners; removing the requirement that at least one commissioner be an attorney; and removing the prohibition that no more than two commissioners be from the same political party"; to the Committee on Government Organization then the Judiciary.

By Delegates Caputo, Perry, Paxton and Sumner:

H. B. 2043 – "A Bill to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8 and §18A-4-8a of said code, all relating to establishing the school service personnel class title and pay grade for the positions of 'Administrative Assistant' and 'Legal Secretary'"; to the Committee on Education then Finance.

By Delegates Fleischauer and Wells:

H. B. 2044 – "A Bill to amend and reenact §22-5-15 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §22-5A-1, §22-5A-2 and §~~22-5A-3,~~ all relating to air pollution control; strengthening of vehicle emission standards; creating the 'Low Emission Vehicle Act'; making legislative

findings; defining a term; requiring the Department of Environmental Protection to implement Phase II of the California Low Emission Vehicle Program in West Virginia beginning in the 2015 automobile model year; and requiring rule-making"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Caputo, Boggs and Longstreth:

H. B. 2045 – "A Bill to amend and reenact §22B-4-1 of the Code of West Virginia, 1931, as amended, relating to increasing the number of appointments to the Surface Mine Board by one member; and requiring that the additional member be appointed from a list submitted by the major employee organization representing coal miners to represent the view point of the working miners"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Government Organization.

By Delegates Perry and P. Smith:

H. B. 2046 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-3-10, relating to public safety by creating the Kelsey Smith Act; requiring wireless telecommunications service providers to provide call locations for emergencies to law-enforcement agencies; limiting liability; and granting rule-making authority"; to the Committee on the Judiciary.

By Delegates Moye and D. Poling:

H. B. 2047 – "A Bill to amend and reenact §21-1B-2 and §21-1B-3 of the Code of West Virginia, 1931, as amended, all relating to verifying legal employment status of workers; requiring employers to register with and utilize the electronic verification of the work authorization program of the federal Illegal Immigration Reform and Immigration Responsibility Act of 1996; requiring employers to only hire employees who are United States citizens or who are authorized workers; requiring employers to register with and utilize the status verification system to verify the federal employment authorization status of all newly hired employees; defining terms; and providing dates by which employers are to meet the verification requirements";

to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Stowers, R. Phillips and Manchin:

H. B. 2048 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-7b; and to amend and reenact §29-3-24 of said code, all relating to authorizing the sale of fireworks; establishing a ten percent sales tax on the fireworks; and creating a special fund that distributes the firework sales tax proceeds equally to each West Virginia volunteer fire department"; to the Committee on Government Organization then Finance.

By Delegates Kump, Householder and Rowan:

H. B. 2049 – "A Bill to amend and reenact §61-8B-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8D-2, §61-8D-2a and §61-8D-5 of said code; and to amend and reenact §62-3-15 of said code, all relating to eliminating eligibility for parole for the offenses of first degree murder, murder of a child by a parent, guardian or custodian by refusal to supply necessities or by delivery of a controlled substance, death of a child by a parent, guardian or custodian by child abuse; and eliminating eligibility for parole for the offenses of first degree sexual assault, or sexual abuse of a child by a parent, guardian or custodian"; to the Committee on the Judiciary then Finance.

By Delegates Staggers, Moye and Manypenny:

H. B. 2050 – "A Bill to amend and reenact §27-7-1 of the Code of West Virginia, 1931, as amended, relating to notice to persons with schizophrenic reality disorder of benefits of designating a durable medical power of attorney"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Fleischauer, Azinger, Hamilton and Sobonya:

H. B. 2051 – "A Bill to amend and reenact §17C-5B-1 of the Code of West Virginia, 1931, as amended, relating to requiring a law-enforcement officer investigating an automobile accident

involving the death of any person to immediately require any surviving driver to submit to a preliminary breath analysis for the purpose of determining that person's blood alcohol content"; to the Committee on the Judiciary.

By Delegates Sumner and Sobonya:

H. B. 2052 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-14-1, relating to prohibiting the naming for certain persons of a publicly funded building, road, structure or project which receives any operating or construction moneys from state sources or state taxpayers; and assessing personal liability for violations"; to the Committee on Government Organization then the Judiciary.

By Delegates Caputo, Manchin, Longstreth, Paxton, Rowan and Stephens:

H. B. 2053 – "A Bill to amend and reenact §18-5-20 of the Code of West Virginia, 1931, as amended, relating to county boards of education; school libraries; requiring each school to have a certified library media specialist; and requiring the board to develop professional standards and the salary for the certified library media specialist"; to the Committee on Education then Finance.

By Delegates Longstreth, Caputo, Fleischauer and P. Smith:

H. B. 2054 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8 and §21-3E-9, all relating to labor; creating The Healthy and Safe Workplace Act; providing for healthy workplaces by providing remedies for hostile work environments; making legislative findings; defining terms; establishing unlawful employment practices; providing liabilities and affirmative defenses for employers and employees; banning retaliation in certain circumstances; providing an employer duty to respond to third-party acts of malice; restricting applicability to employment practices not covered by existing state laws on human rights or wrongful discharge; providing remedies and procedure;

limiting the amount recoverable for emotional distress; and establishing time limitations for commencing actions"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Iaquinta and Caputo:

H. B. 2055 – "A Bill to amend and reenact §33-30-6 of the Code of West Virginia, 1931, as amended, relating to mine subsidence insurance; increasing the maximum amount of the total insured value reinsured by the Board of Risk Management"; to the Committee on Banking and Insurance then Finance.

By Delegates Caputo, Longstreth and Manchin:

H. B. 2056 – "A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing the areas that hunting or taking of unprotected species of wild animals, wild birds and migratory wild birds is permitted during open season to include the woods of the state"; to the Committee on Natural Resources then the Judiciary.

By Delegates Hamilton, Hartman, Campbell, Manypenny, Azinger and Ferro:

H. B. 2057 – "A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to taking back the surcharge on fire and casualty insurance policies to one percent and have this surcharge benefit volunteer and part-volunteer fire departments"; to the Committee on Finance.

By Delegate Craig:

H. B. 2058 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-1a, relating to permitting the temporary detention of criminal suspects by law-enforcement officers in order to determine the identity of the suspect and other matters involving the commission of a crime where probable cause appears to exist; establishing limits on the location and length of the detention; permitting arrests to be made; and permitting certain searches"; to the Committee on the Judiciary.

By Delegate Manypenny:

H. B. 2059 – "A Bill to amend and reenact §62-11C-4 and §62-11C-5 of the Code of West Virginia, 1931, as amended, all relating to community corrections programs are to be funded by the Governor's Committee on Crime, Delinquency and Correction; increasing certain fees; requiring offenders who are convicted of shoplifting or petit larceny be sentenced to a term in a community corrections program as an alternative to incarceration; and permitting offenders who are convicted of possession of marijuana be sentenced to a community corrections program for a term equal in length to the term of incarceration or as an alternative to a conditional discharge for first offense of possession of marijuana"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2060 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-19-3, relating to soft drinks tax; increasing the tax; and dedicating the increase to construction, maintenance and improvements of state parks"; to the Committee on Finance.

By Delegate Manypenny:

H. B. 2061 – "A Bill to amend and reenact §22-6A-15 of the Code of West Virginia, 1931, as amended, relating to a requirement that operators post a bond for performance and recompense of landowners for each well for the life of the well and until all performance requirements and obligations to landowners have been satisfied"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2062 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-6a, relating to requiring a study of the environmental and health impacts of shale gas development be performed; setting forth minimum requirements of the study; and requiring reports be made"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2063 – "A Bill to amend and reenact §60A-5-506 of the Code of West Virginia, 1931, as amended, relating to the uniformed controlled substances act; and declaring that a defendant has the right to a presumption of medical necessity in any trial, hearing or other proceeding under this act, for use or possession of medical marihuana"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Manypenny:

H. B. 2064 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-26-8a, relating to requiring a driller or owner of a natural gas well who contaminates a groundwater aquifer to remediate the aquifer with the best available technology until it meets the standards of the Clean Water Act"; to the Committee on the Judiciary.

By Delegate Manypenny:

H. B. 2065 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6-25a; and to amend said code by adding thereto a new section, designated §22-6A-12a, all relating to ground water contamination and spills associated with the stimulation of wells using the fracking process; disclosure to public, private water sources and public service districts; nonsealing of court records; and rulemaking"; to the Committee on the Judiciary.

By Delegate Manypenny:

H. B. 2066 – "A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to requiring the posting of material data safety sheets and documentation of fracking fluid components at oil and gas well sites where fracking fluids are used; providing the information to workers at the sites, to emergency responders and to the local emergency planning committee; and requiring publication in local newspapers and posting on the West Virginia Department of Environmental Protection's website"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2067 – "A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to municipal corporations; sale, lease or disposition of municipal property; and providing misdemeanor criminal penalty for failing to comply with law regarding sales, including automatic removal from office"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Sumner:

H. B. 2068 – "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to special memorial days; and adding a special memorial day to celebrate the victory of democracy in the Cold War"; to the Committee on Government Organization.

By Delegate Williams:

H. B. 2069 – "A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended, relating to providing that correctional officers may retire with full benefits after twenty years of actual and honorable service"; to the Committee on Pensions and Retirement then Finance.

By Delegate Iaquinta:

H. B. 2070 – "A Bill to amend and reenact §17C-6-7a of the Code of West Virginia, 1931, as amended, relating to permitting certain law-enforcement officers to use traffic law photo-monitoring devices in determining compliance with laws governing the operation of motor vehicles"; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Poore:

H. B. 2071 – "A Bill to amend and reenact §48-14-204 of the Code of West Virginia, 1931, as amended, relating to providing procedures for issuing a writ of execution, suggestion or suggestee execution because of overdue child support or spousal support obligations; providing procedure for contesting an affidavit and requesting a hearing; authorizing a court, in its discretion, to require obligor to give

security or post bond or order the Bureau for Child Support Enforcement to hold collected amounts in escrow; issuing an abstract by the clerk; and increasing the statute of limitations on child and spousal support orders from ten to fifteen years"; to the Committee on the Judiciary.

By Delegate Poore:

H. B. 2072 – "A Bill to amend and reenact §11-15-9g of the Code of West Virginia, 1931, as amended, relating to consumer sales tax; creating an annual exemption for clothing, footwear and school supplies"; to the Committee on Finance.

By Delegate Caputo:

H. B. 2073 – "A Bill to amend and reenact §22A-2-40 of the Code of West Virginia, 1931, as amended, relating to requiring that permanent and temporary battery charging stations in mines be ventilated directly to the return on a separate split of air"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Williams:

H. B. 2074 – "A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended, relating to providing a $2,008 salary increase for employees of the Division of Corrections"; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2075 – "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing compensation of membership of the West Virginia State Police"; to the Committee on Government Organization then Finance.

By Delegate Caputo:

H. B. 2076 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a ten percent discount to West Virginia residents

for lodging, camping and other recreational activities at state parks and forests"; to the Committee on Natural Resources then Finance.

By Delegate Azinger:

H. B. 2077 – "A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended, relating to providing for a three-percent cap on any increase in one year for periodic valuations and assessments of real property that is the primary residence of an individual"; to the Committee on the Judiciary then Finance.

By Delegate Caputo:

H. B. 2078 – "A Bill to amend and reenact §33-20-5 of the Code of West Virginia, 1931, as amended, relating to insurance generally; and prohibiting the use of a credit score in casualty insurance rate filings"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate D. Poling:

H. B. 2079 – "A Bill to amend and reenact §55-2-12 of the Code of West Virginia, 1931, as amended, relating to limitations of actions and suits; and increasing to three years the statute of limitations concerning the filing of a civil action for a claim of sexual abuse against a minor causing psychological injury or illness"; to the Committee on the Judiciary.

By Delegate Miller:

H. B. 2080 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-29, relating to requiring community corrections performance measurement standards for agencies responsible for supervising individuals placed on probation, serving a period of parole or post-incarceration supervision after jail or prison; defining terms; and requiring reports"; to the Committee on the Judiciary.

By Delegates Moore, Reynolds and Azinger:

H. B. 2081 – "A Bill to amend and reenact §61-3-39e of the Code of West Virginia, 1931, as amended, relating to permitting payees or

holders of electronic transfers that have been dishonored because of insufficient funds or credit may send notice to the drawer of the transfer and impose a fee up to $25"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Cowles:

H. B. 2082 – "A Bill to amend and reenact §7-14-13 and §7-14-15 of the Code of West Virginia, 1931, as amended, all relating to prohibiting a chief deputy sheriff from engaging in certain political activities; prohibiting the solicitation of funds within a sheriff's office; prohibiting using his or her official authority for political purposes; and prohibiting him or her from coercing anyone to contribute anything of value for political purposes"; to the Committee on the Judiciary.

By Delegate Cowles:

H. B. 2083 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-42-9 and §33-42-10, all relating to the care of aborted fetuses; requiring medical facilities that provide abortions to administer anesthesia to an unborn fetus when aborted if it is older than seven weeks; requiring all available medical means to be used to preserve the life of a fetus if it is alive when aborted; and providing criminal penalties for violations"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate P. Smith:

H. B. 2084 – "A Bill to amend and reenact §27-6A-11 of the Code of West Virginia, 1931, as amended, relating to providing forensic evaluators with civil immunity for acts committed by the subject of the evaluation"; to the Committee on the Judiciary.

By Delegate Cowles:

H. B. 2085 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5A-12, relating to exempting construction performed on behalf of county or municipal governments from the prevailing wage laws for construction projects under $200,000"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Moore, Manypenny, Iaquinta and Manchin:

H. B. 2086 – "A Bill to repeal §18-10K-1, §18-10K-2, §18-10K-3, §18-10K-4, §18-10K-5 and §18-10K-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14E-2 of said code; to amend said code by adding thereto a new article, designated §16-45-1, §16-45-2 and §16-45-3; and to amend and reenact §50-3-2b of said code; and to amend and reenact §59-1-11a of said code, all relating to the creation of programs for the treatment of traumatic brain injury; creating a special revenue fund; assessing fees for specified activities; directing those fees to the fund; authorizing the state Medicaid agency to apply for a home and community based waiver to serve eligible individuals; and authorizing the Bureau of Behavioral Health and Health Facilities to create and administer a state program for eligible individuals"; to the Committee on Health and Human Resources then Finance.

By Delegates Moore, Reynolds and Azinger:

H. B. 2087 – "A Bill to amend and reenact §46A-4-111 of the Code of West Virginia, 1931, as amended, relating to limiting the requirement that before a loan, secured by residential real estate may be refinanced or consolidated with a new loan, must have a reasonable, tangible net benefit to the owner of that real estate to those loans that are made within twenty-four months of the initial loan"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Lane:

H. B. 2088 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-32, relating to requiring the Commissioner of Highways to take all actions necessary to include Pine Terrace in Cross Lanes, Kanawha County into the State Road System"; to the Committee on Roads and Transportation then Finance.

By Delegate Boggs:

H. B. 2089 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-1A-101, §48-1A-201, §48-1A-301, §48-1A-401, §48-1A-501, §48-1A-601, §48-

1A-701, §48-1A-801, §48-1A-901 and §48-1A-1001, all relating to the uniform premarital agreement act; defining terms; setting forth requirements and content of agreement; providing for the effect, amendment, revocation and enforcement of such agreements; establishing statute of limitations, application and construction of article; and setting forth short title"; to the Committee on the Judiciary.

By Delegate Boggs:

H. B. 2090 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to redemption or repayment of PROMISE scholarship funds when a student drops or withdraws from classes; Higher Education Policy Commission rule-making authority; and emergency situations exempted"; to the Committee on Education.

By Delegate Miley:

H. B. 2091 – "A Bill to amend and reenact §3-1-50 of the Code of West Virginia, 1931, as amended, relating to election complaint procedure"; to the Committee on the Judiciary.

By Delegate Miller:

H. B. 2092 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-29, relating to probation and parole; and adding certain sanctions for violations of probation and parole"; to the Committee on the Judiciary.

By Delegates Fleischauer, Barill, Manypenny, Caputo, Manchin and Wells:

H. B. 2093 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8a, relating to requiring the Commissioner of Highways to require bonds be posted in connection with major construction, mineral extraction and industrial projects that impact the roads in the state; and granting rule-making authority"; to the Committee on Roads and Transportation then Finance.

By Delegates Iaquinta, Stowers, Ferro and Hartman:

H. B. 2094 – "A Bill to amend and reenact §20-2-42c of the Code of West Virginia, 1931, as amended, relating to allowing members of

the West Virginia National Guard or its Reserves to obtain free hunting and fishing licenses while serving in the West Virginia National Guard or its Reserves and upon full retirement licenses for life"; to the Committee on Natural Resources then Finance.

By Delegates Skaff, Stowers, Perry and Ferro:

H. B. 2095 – "A Bill to amend and reenact §15-2-7 of the Code of West Virginia, 1931, as amended, relating to granting pay increases for forensic lab employees with a minimum of one year of service and civilian employees of the West Virginia State Police"; to the Committee on Government Organization then Finance.

By Delegate Howell:

H. B. 2096 – "A Bill to amend and reenact §60A-11-3 of the Code of West Virginia, 1931, as amended, relating to the remediation of clandestine drug laboratories and disclosure of the existence of the same"; to the Committee on the Judiciary.

By Delegates Caputo, Manchin, Longstreth, D. Poling and Stowers:

H. B. 2097 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-23, relating to providing for career development; and establishing annual salaries for Alcohol Beverage Control inspectors, enforcement agents and supervisors"; to the Committee on Government Organization then Finance.

By Delegates Moye and Stephens:

H. B. 2098 – "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting existing churches from paying tax on propane and other forms of heating oil used for heating their church buildings"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Caputo and Stephens:

H. B. 2099 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l;

and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to increasing benefits of retired state personnel and retired teachers by five percent a year for the next three consecutive years"; to the Committee on Pensions and Retirement then Finance.

By Delegates Howell, Cowles, A. Evans and Rowan:

H. B. 2100 – "A Bill to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to courts and their officers; family courts; and adding one family court judge to the twenty-third family court circuit"; to the Committee on the Judiciary then Finance.

By Delegates Moye and Stephens:

H. B. 2101 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to reducing state income tax liability for certain retired public employees; increasing the amount of retirement income received from certain state and federal retirement systems that is excluded from the calculation of income subject to state personal income taxes; and establishing an effective date for the increased exclusion"; to the Committee on Pensions and Retirement then Finance.

By Delegates A. Evans, Romine, Azinger and Rowan:

H. B. 2102 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to excluding interest income on obligations of the United States and its possessions, to the extent such interest is inclusive in gross income for federal income tax purposes, when applying the $8,000 income exclusion available to persons age sixty-five or older and to persons who are permanently and totally disabled; and making the change to tax years beginning after December 31, 2013"; to the Committee on Finance.

By Delegates Iaquinta, Hartman, Ireland, Longstreth and Azinger:

H. B. 2103 – "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to allowing a disabled

veteran one additional license plate"; to the Committee on Roads and Transportation then Finance.

By Delegates Caputo, Manchin and Longstreth:

H. B. 2104 – "A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to allowing quarterly payment of real and personal property taxes"; to the Committee on the Judiciary then Finance.

By Delegates Staggers, Moore and Rowan:

H. B. 2105 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-33, relating to making it a misdemeanor to make more than three calls to 911 for nonemergency health concerns"; to the Committee on the Judiciary.

By Delegates Ireland, Hamilton, Romine, Miller and Longstreth:

H. B. 2106 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to making English the official language of West Virginia; and providing that no state agency or political subdivision is required to provide any documents, information, literature or other written materials in any language other than English"; to the Committee on the Judiciary.

By Delegates Perry, Boggs, Williams and Sumner:

H. B. 2107 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-6a, relating to exempting county school boards of education school buses from paying tolls for transit over the West Virginia Turnpike or any parkways authority project"; to the Committee on Finance.

By Delegate Fleischauer:

H. B. 2108 – "A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to making the offense of failure to wear safety belts a primary offense"; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Moore:

H. B. 2109 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10 and §5B-2I-11, all relating to the Creative Communities Development Pilot Program; pronouncing legislative finding and intent; creating the Creative Communities Development Fund; establishing the Creative Communities Development Board; providing requirements for applications for the use of matching funds from the Creative Communities Development Fund; providing for review of applications by the West Virginia Development Office; establishing that the Creative Communities Development Board shall have the authority to approve matching grants from Creative Communities Development Fund; establishing matching requirements from applicants; establishing eligible expenditures; defining parameters of agreement between West Virginia Development Office and a community for use of grant funds; providing for a review and audit of expenditures by West Virginia Development Office; and providing for review of Creative Communities Development Pilot Program"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Manypenny:

H. B. 2110 – "A Bill to amend and reenact §48-10-501 of the Code of West Virginia, 1931, as amended, relating to domestic relations; grandparent visitation; and mandatory minimum visitation rights"; to the Committee on the Judiciary.

By Delegate Manypenny:

H. B. 2111 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-20, relating to employing best available control technology, as defined in the West Virginia Code of State Rules, to control air pollution from all stationary equipment associated with the natural gas industry; and rulemaking"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Manypenny:

H. B. 2112 – "A Bill to amend and reenact §19-14-3 of the Code of West Virginia, 1931, as amended, relating to agriculture; West Virginia commercial feed law; and prohibiting the use of prophylactic feeding of antibiotics to livestock"; to the Committee on Agriculture then the Judiciary.

By Delegate Manypenny:

H. B. 2113 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6 and §16-2M-7, all relating to establishing a two-year pilot program on the disposal of unused pharmaceuticals; authorizing rulemaking; and requiring a legislative report"; to the Committee on Health and Human Resources then Finance.

By Delegate Manypenny:

H. B. 2114 – "A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to revocation of current and future horizontal well permits when a driller or well operator violates conditions or road bonds or other well pad and site operating requirements"; to the Committee on the Judiciary then Finance.

By Delegate Azinger:

H. B. 2115 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to prohibiting the buying, selling or in any other fashion taking of dogs from the care of their mother until they reach eight weeks of age"; to the Committee on Agriculture then the Judiciary.

By Delegate Azinger:

H. B. 2116 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to allowing income deductions for personal income tax purposes for gifts to West Virginia entities operated solely for religious, educational or charitable purposes"; to the Committee on Finance.

By Delegate Azinger:

H. B. 2117 – "A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to personal income tax; providing tax exemption to veterans and their spouses locating in West Virginia following the veterans' separation from service"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate Guthrie:

H. B. 2118 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7; and to amend said code by adding thereto a new section, designated §11-24-11c, all relating to creating the West Virginia Renewable Energy Act; providing an investment cost recovery incentive for customer-generated electricity from renewable energy systems; making exceptions; providing for tax credits electric light and power companies that purchase customer-generated electricity; establishing time limits for the incentives and credits; providing that customers who generate electricity from renewable sources may sell electricity to electric light and power companies; requiring reports be made to the Legislature; and making legislative findings and defining terms"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Azinger:

H. B. 2119 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-18-1, §11-18-2, §11-18-3, §11-18-4, §11-18-5, §11-18-6, §11-18-7, §11-18-8, §11-18-9 and §11-18-10, all relating to imposing an excise tax on the sale or rental of obscene materials; defining terms; setting forth requirements; setting forth liabilities; establishing record keeping requirements; and establishing that the tax be deposited in the General Revenue Fund"; to the Committee on Finance.

By Delegate Azinger:

H. B. 2120 – "A Bill to amend and reenact §39-1-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting the publication of the consideration paid for the sale of real estate or the amount of any lien on the real property subject to the sale"; to the Committee on the Judiciary.

By Delegate Ferro:

H. B. 2121 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to education; and requiring elementary students to have access to a certified library media specialist, art specialist, music specialist and physical education specialist at least twice a week"; to the Committee on Education then Finance.

By Delegate Miller:

H. B. 2122 – "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to motor vehicle registration generally; providing for the issuance of a special 'Family of an Officer Killed in the Line of Duty' license plate; and assessing a special initial application fee and an annual fee"; to the Committee on Roads and Transportation then Finance.

By Delegate Azinger:

H. B. 2123 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-22, relating to requiring the Department of Health and Human Resources to annually review and adjust rates it pays to care providers"; to the Committee on Health and Human Resources then Finance.

By Delegates Morgan, Stephens, Hartman, Householder, Howell and Staggers:

H. B. 2124 – "A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eleven new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the organization of code provisions regarding the administration of state government agencies"; to the Committee on Government Organization then Finance.

By Delegates Guthrie, Poore, Miley, Manchin, Longstreth, Marshall and L. Phillips:

H. B. 2125 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-18-1a; and to amend said code by adding thereto a new section, designated §17-4-36a, all relating to bicycle, pedestrian and transit ways given full

consideration in the planning, development and redevelopment of state roads, railways and waterways"; to the Committee on Roads and Transportation then Finance.

By Delegates Staggers and Ferro:

H. B. 2126 – "A Bill to amend and reenact §17C-13-5 of the Code of West Virginia, 1931, as amended, relating to the removal of vehicles from state highways in order to restore traffic movement in emergency situations; and providing that the vehicle's owner is liable for the costs of removal and storage"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Howell, Canterbury, A. Evans, Householder, Moore, E. Nelson, Staggers and Storch:

H. B. 2127 – "A Bill to amend and reenact §17C-15-34 of the Code of West Virginia, 1931, as amended, relating to motor vehicle equipment; prohibiting the modification of mufflers resulting in excessive noise levels; and providing an exception"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Fleischauer, Caputo, Marshall, Guthrie and Stowers:

H. B. 2128 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating to providing that all employees have the right to review and copy the contents of their personnel file"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Skaff, Reynolds, Pasdon, Guthrie, L. Phillips, Ferns, Barill and Marshall:

H. B. 2129 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-6D-10, relating to permitting the transfer of tax credits for the purchase of alternative-fuel vehicles, the conversion to an alternative-fuel vehicle or the construction of alternative-fuel vehicle infrastructure"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Moye, Staggers, Manypenny and Hamilton:

H. B. 2130 – "A Bill to amend and reenact §60A-4-410 of the Code of West Virginia, 1931, as amended, relating to the possession of multiple prescribed medications or prescriptions for controlled substances with the same or similar therapeutic medical purposes, exceptions, limitations and criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Lawrence, Moye, Barill, Fleischauer, Perry, Moore, Poore, Ellington and Lane:

H. B. 2131 – "A Bill to amend and reenact §9-2-9 of the Code of West Virginia, 1931, as amended, relating to the state's Medicaid program; requiring public notice of state plan amendments, reimbursement changes, demonstration projects and waiver applications; providing for a public comment period and response to all public comments; and requiring approval by the Legislative Oversight Commission on Health and Human Resource Accountability prior to submission to the federal government for approval"; to the Committee on Health and Human Resources then Finance.

By Delegates Ferns, Ferro, Hartman, Jones, R. Phillips, Storch and Swartzmiller:

H. B. 2132 – "A Bill to amend and reenact §19-23-1, §19-23-3 and §19-23-6 of the Code of West Virginia, 1931, as amended, all relating to permitting the racing commission to regulate charity racing events and rule-making authority"; to the Committee on Government Organization then the Judiciary.

By Delegates Caputo, Williams, Guthrie, Lawrence and Boggs:

H. B. 2133 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to compensation of State Police for off-duty time when they are required to be on standby to be called back to work; and providing a stipend for housing cost for officers who reside in and are assigned to the top five counties according to median monthly housing cost"; to the Committee on Finance.

By Delegates Miller, Sobonya, Sumner, Rowan and Stowers:

H. B. 2134 – "A Bill to amend and reenact §18-9D-2 of the Code of West Virginia, 1931, as amended, relating to permitting playground facilities to be part of a school construction project"; to the Committee on Education then Finance.

By Delegate Howell:

H. B. 2135 – "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds if the vehicles are locked and the weapons are out of normal view"; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Manypenny:

H. B. 2136 – "A Bill to amend and reenact §22-6A-10 and §22-6A-11 of the Code of West Virginia, 1931, as amended, all relating to providing landowners of property adjacent to proposed well sites copies of the application, the erosion and sediment control plan and the well plat by personal service, registered mail or other method requiring a receipt or signature confirmation; giving notice to the public and those required to receive written notice of a proposed permit of their option to request a hearing on a proposed permit; requiring the secretary to consider all comments submitted; and authorizing the secretary to call and hold a public hearing"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2137 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8A-7-3a, relating to specific authorization of governing board of counties and municipalities to enact zoning ordinances that regulate drilling and hydraulic fracturing in the natural gas horizontal well industry"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2138 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b,

relating to permitting mineral owners and producers to negotiate a new lease under certain conditions; requiring mineral leases to state with specificity when they end; and prohibiting leases to be held in perpetuity"; to the Committee on the Judiciary then Finance.

By Delegate Lane:

H. B. 2139 – "A Bill to amend and reenact §5-3-2 of the Code of West Virginia, 1931, as amended, relating to assignment of cases to private attorneys by bid; requiring that the Joint Committee on Government and Finance approve any proposed settlement involving the office of the Attorney General; and, providing that any proceeds received in any civil action involving the office of the Attorney General be deposited in the General Revenue Fund to be appropriated by the Legislature"; to the Committee on the Judiciary then Finance.

By Delegates Longstreth, Manchin and Caputo:

H. B. 2140 – "A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing vehicles designated by the Secretary of the Department of Military Affairs and Public Safety for emergency response by West Virginia police reserves to use red flashing lights"; to the Committee on the Judiciary.

By Delegates Fleischauer and Wells:

H. B. 2141 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3 and §22-30-4, all relating to phasing in requirements for electric providers to add renewable energy systems to help protect and sustain the environment; providing definitions; establishing portfolio standards for renewable energy that requires each provider to generate or acquire electricity from renewable energy systems; authorizing the Public Service Commission to promulgate enforcement rules and a system of renewable energy credits; requiring the commission to establish a renewable energy fund; and providing a severability clause"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Iaquinta:

H. B. 2142 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6G-6,

relating to providing a criminal penalty for transmitting bulk electronic mail messages which are unsolicited"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Manypenny, Staggers, Fleischauer, Barill and Perdue:

H. B. 2143 – "A Bill to amend and reenact §22-3-9 and §22-3-13 of the Code of West Virginia, 1931, as amended, all relating to liner requirements in new coal-waste impoundments, new coal-waste impoundments at existing facilities, replacement coal-waste impoundments at existing facilities and lateral coal-waste expansions of existing impoundments; requiring the Director of the West Virginia Department of Environmental Protection to promulgate rules for liners in these surface, coal-waste impoundments; and providing abatement procedures"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Williams and Canterbury:

H. B. 2144 – "A Bill to amend and reenact §22-3-10 and §22-3-13 of the Code of West Virginia, 1931, as amended, all relating to requiring reclaimed strip mines to be populated by plants that are beneficial to the local bee population"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Manypenny:

H. B. 2145 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5, §19-2H-6, §19-2H-7, §19-2H-8, §19-2H-9, §19-2H-10, §19-2H-11, §19-2H-12 and §19-2H-13, all relating to creating the 'Genetically Engineered Crop and Animal Farmer Protection Act'; making legislative findings; setting forth information requirements regarding the sale of genetically engineered seeds; plants and animals; identifying certain contractual provisions to be against public policy; preventing noncompetitive practices involving technology fees; establishing measures to be taken to avoid cross pollination of genetically engineered plants and seeds;

requiring genetically engineered seeds to be so labeled; prohibiting loan discrimination; providing penalties; providing for civil and citizen suits; defining terms; and authorizing rule-making"; to the Committee on Agriculture then Finance.

By Delegates Marshall, Longstreth, Lane, Moore, Ellington and Barill:

H. B. 2146 – "A Bill to amend and reenact §49-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-6-3 of said code; and to amend and reenact §61-8D-3, all relating to conduct and circumstances of child abuse; creating crime and criminal penalties for drug and alcohol abuse during pregnancy resulting in diagnosed harm to infant"; to the Committee on the Judiciary then Finance.

By Delegates Caputo, Canterbury, Hamilton, Boggs, Perdue, P. Smith, D. Poling and Manypenny:

H. B. 2147 – "A Bill to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of eight hundred state troopers by July 1, 2017; and increasing the salary increase received at the end of two years of service with the West Virginia State Police from $400 to $580"; to the Committee on Finance.

By Delegates Caputo, Longstreth, Barill, Marshall and Moore:

H. B. 2148 – "A Bill to amend and reenact §5-15-4 of the Code of West Virginia, 1931, as amended, relating to requiring that handicap restroom facilities and stalls in all colleges and universities be constructed with automatic doors to accommodate persons in wheelchairs and other persons who need assistance"; to the Committee on Education then Finance.

By Delegates Hamilton, Longstreth, Azinger, A. Evans, Rowan, Anderson, Ferro, Ireland and Iaquinta:

H. B. 2149 – "A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver's licenses for active military members' spouses"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Williams, Guthrie, Ireland, Lawrence, Marshall and Moye:

H. B. 2150 – "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to eliminating the consumers sales tax on utility terrain vehicles that are used for agricultural purposes; and defining utility terrain vehicle as a motor vehicle"; to the Committee on Finance.

By Delegates Manypenny, Marshall and Fleischauer:

H. B. 2151 – "A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the West Virginia Commissioner of Highways; and authorizing the commissioner to use recycled materials in construction or maintenance of roads and highways"; to the Committee on Roads and Transportation then Finance.

By Delegates Manypenny, Barill and Fleischauer:

H. B. 2152 – "A Bill to amend and reenact §22-6A-7 and §22-6A-8 of the Code of West Virginia, 1931, as amended, all relating to requiring flowback plans for all work on oil and gas wells; requiring a flowback tank with a closed loop system that prevents the release of volatile organic compounds and fugitive pollutants into the environment; permitting flowback pits to only be used under certain conditions; and requiring the proper disposal of drilling mud"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2153 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2, §19-2H-3, §19-2H-4, §19-2H-5 and §19-2H-6, all relating to creating the 'Genetically Engineered Food Right to Know Act'; making legislative findings; setting forth labeling requirements regarding the sale of foods containing genetically engineered materials and foods produced with genetically engineered materials; providing exceptions; requiring testing; providing civil penalties; providing for civil suits by the Commissioner of Agriculture and suits by citizens; defining terms; and providing rule-making authority"; to the Committee on Agriculture then Finance.

By Delegates Williams and Hartman:

H. B. 2154 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1; and amending said code by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3 and §24-2G-4, all relating to authorizing a corporation net income tax credit for reducing charges for home heating fuel and propane gas provided to low-income residents; defining terms; determining the amount of credit that may be taken; providing the Public Service Commission with the authority to set special rates; determining the recovery of revenue deficiencies; limiting and exempting those utilities from certain municipal taxes; and granting the Department of Health Human Services and the Public Service Commission with rule-making authority"; to the Committee on Finance.

By Delegate Poore:

H. B. 2155 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to establishing a special revenue account designated as the Fund for Civil Legal Services for Low Income Persons; identifying potential sources of funding; and authorizing the Director of the Division of Justice and Community Services to make grants to nonprofit agencies that provide civil legal services to low income persons"; to the Committee on the Judiciary then Finance.

By Delegates Craig, Morgan, Miller and Sobonya:

H. B. 2156 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to crimes against property involving graffiti; creating misdemeanor and felony criminal penalties for those who place graffiti on or otherwise defaces the public or private property, real or personal; providing a definition of 'graffiti'; imposing liability on parent or legal guardian of a person under eighteen for violations; requiring driver's license restrictions upon conviction; authorizing a court to require restitution; and authorizing property owners to recover damages up to three times the amount of any loss in value to the property or up to three times the cost of restoring the property plus attorney's fees and costs, or both costs and fees"; to the Committee on the Judiciary then Finance.

By Delegates Staggers and Ferro:

H. B. 2157 – "A Bill to amend and reenact §17C-3-4b of the Code of West Virginia, 1931, as amended, relating to signage for construction zones and other traffic restrictions"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Moore, Reynolds and Azinger:

H. B. 2158 – "A Bill to amend and reenact §31A-8C-2 of the Code of West Virginia, 1931, as amended, relating to the provision of financially-related services by banks and bank holding companies, providing that a West Virginia state-chartered banking institution may engage in a financially related activity directly if a federal or state thrift, federal credit union, or state bank chartered in another state may engage in that financially related activity"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Morgan, Stephens and D. Poling:

H. B. 2159 – "A Bill to repeal §21-3-2, §21-3-3, §21-3-3a, §21-3-4, §21-3-5, §21-3-6, §21-3-8, §21-3-9, §21-3-10, §21-3-11, §21-3-12, §21-3-13, §21-3-16 and §21-3-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-3-7, §21-3-10a, §21-3-14, §21-3-15, §21-3-17, §21-3-19, §21-3-20 and §21-3-21, all relating to safety and welfare of employees; the regulation of steam boilers by the Division of Labor; meal breaks; the power of the Commissioner of Labor as to witnesses; records and reports of the Commissioner of Labor; employers not to require payment of fees for medical examination as condition of employment; providing that discrimination for use of tobacco products is prohibited; prohibiting the use of video and other electronic surveillance devices by employers; and continuing a special revenue fund for the Division of Labor"; to the Committee on Government Organization then the Judiciary.

By Delegates Caputo, Williams, D. Poling, Ferro, Hamilton and Boggs:

H. B. 2160 – "A Bill to amend and reenact §11-16-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§60-2-12 of said code, all relating to the Alcohol Beverage Control Commission; requiring the Division of Personnel to review and evaluate each employee's job duties and qualifications to determine classification and compensation; requiring written reviews and meetings with employees; permitting Alcohol Beverage Control Commission employees to be included in the civil service; providing exemptions; requiring a legislative report; and removing out-dated language from the code"; to the Committee on Government Organization then Finance.

By Delegates Manypenny, Poore, Williams, Stephens and Fleischauer:

H. B. 2161 – "A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to continuing education requirement of building code inspectors"; to the Committee on Government Organization then Finance.

By Delegates Ferro, Skaff, Williams, Pethtel, Iaquinta and Stowers:

H. B. 2162 – "A Bill to amend and reenact §18B-10-7 of the Code of West Virginia, 1931, as amended, relating to educational benefits for dependents of deceased or disabled veterans"; to the Committee on Education then Finance.

By Delegates Fleischauer, Marshall, Barill, Campbell, Pasdon, Miller, Reynolds and Paxton:

H. B. 2163 – "A Bill to amend and reenact 18B-18A-3 of the Code of West Virginia, 1931, as amended, relating to adding $20 million to the West Virginia Trust Fund's Bucks for Brains initiative; and providing that those moneys may only go to West Virginia University and Marshall University to the extent they raise the same amount in matching funds"; to the Committee on Education then Finance.

By Delegates Manypenny and Fleischauer:

H. B. 2164 – "A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to providing rehabilitation treatment programs to inmates imprisoned in any jail in the state"; to the Committee on the Judiciary then Finance.

By Delegates Iaquinta, Longstreth, Fleischauer, Jones, Stephens and Azinger:

H. B. 2165 – "A Bill to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to death certificates of military veterans; providing for the issuance, without charge, of up to five certified copies of a veterans' death certificate by the clerk of the county commission"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Morgan, Stephens and D. Poling:

H. B. 2166 – "A Bill to amend and reenact §47-11B-9 of the Code of West Virginia, 1931, as amended, relating to the bond required for closing-out sales, fire sales and defunct business sales"; to the Committee on the Judiciary.

By Delegates Fleischauer, Ireland, Manypenny, Marcum, Miley, Skaff, Stowers and R. Phillips:

H. B. 2167 – "A Bill to amend and reenact §61-8D-4 of the Code of West Virginia, 1931, as amended, relating to creating the misdemeanor offense for child neglect by a parent, guardian or custodian which creates a substantial risk of bodily injury; penalties; and exceptions"; to the Committee on the Judiciary.

By Delegates Ferns, Fleischauer, Iaquinta, Manchin, Miley and Poore:

H. B. 2168 – "A Bill to amend and reenact §33-15-14 of the Code of West Virginia, 1931, as amended, to amend and reenact §33-16-10 of said code; to amend and reenact §33-24-43 of said code; to amend and reenact §33-25-20 of said code; and to amend and reenact §33-25A-31 of said code, all relating to permitting physical therapists, occupational therapists and the licensed assistants of nurse practitioners as being health care providers for insurance payment purposes; and prohibiting healthcare providers from discriminating, in any manner, against or refuse to treat any person based upon the manner by which that person became injured or sick"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Perry, P. Smith, Paxton, Marcum, Barill and Rowan:

H. B. 2169 – "A Bill to amend and reenact §18-20-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-2-4 of said code; and to amend and reenact §18A-4-8 and §18A-4-8a of said code, all relating to school service personnel classification and compensation; modifying and updating certain classification titles; modifying certain pay grade levels; and providing for additional compensation in certain circumstances"; to the Committee on Education then Finance.

By Delegates Morgan, Stephens, Hartman, Householder and Staggers:

H. B. 2170 – "A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to professional licensing boards; modifying who has the authority to call meetings and administer oaths; clarifying the establishment of quorums; providing that persons who report violations in good faith are not subject to civil damages; requiring boards to maintain a business office open to the public; requiring board offices to be identified with a sign or directory on the building or in the entranceway or lobby of the building; requiring board members to adhere to ethical standards for appointed officials; and clarifying that boards may issue notices to cease and desist unlawful or unlicensed practice"; to the Committee on Government Organization.

By Delegates Fleischauer, Miley, Caputo, Pino, Overington and Sobonya:

H. B. 2171 – "A Bill to amend and reenact §29A-1-2 and §29A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §29A-3-1a, §29A-3-4, §29A-3-6, §29A-3-8, §29A-3-15, §29A-3-15a and §29A-3-15b of said code; and to amend said code by adding three new sections, designated §29A-3-1c, §29A-3-1d and §29A-3-9a, all relating to review of State Administrative Agency rule-making; defining terms; altering designation of types of rules that have not been approved by the Legislature and that are exempt from legislative review; establishing deadline for action by agency action for certain proposed rules before the rule is deemed withdrawn; requiring agency

response to public comments; requiring all sections of a rule be filed when agency proposing rule amendment; providing for methodology for repeal of rules; establishing new publishing and rule-making requirements for certain Department of Health and Human Services policy manuals; providing new process for review and approval of legislative rules incorporating federal mandated requirements; revising emergency rule-making process to allow for public comment, more information, and extended comment period; providing new process for provisional legislative rules; and altering certain agency filing requirements"; to the Committee on the Judiciary.

By Delegates Fleischauer, Caputo, Miley, Marshall, Poore and Wells:

H. B. 2172 – "A Bill to amend and reenact §29B-1-2 of the Code of West Virginia, 1931, as amended, relating to redefining the term 'public record' as it is used in the Freedom of Information Act"; to the Committee on the Judiciary.

By Delegates Miller, Reynolds and Morgan:

H. B. 2173 – "A Bill to amend and reenact §9-5-18 of the Code of West Virginia, 1931, as amended, relating to funeral expenses for indigent persons; and restricting payments for burial services of indigents to only those services provided by a funeral director licensed by West Virginia"; to the Committee on Government Organization.

By Delegates Skaff, Ferns, Lawrence, Reynolds, Pasdon, Andes, Stowers and Poore:

H. B. 2174 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13CC-1, §11-13CC-2, §11-13CC-3, §11-13CC-4, §11-13CC-5 and §11-13CC-6, all relating to providing a tax credit for persons who graduate with a bachelor's or graduate degree in the area of science, technology, engineering, mathematics, nursing or teaching from any regionally accredited in-state or out-of-state higher education institution or any regionally accredited in-state community and technical college and who thereafter continue to reside in this state"; to the Committee on Finance.

By Delegates Manypenny, Fleischauer and Stephens:

H. B. 2175 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-20; and to amend said code by adding thereto a new section, designated §30-38-20; and to amend said code by adding thereto a new section, designated §30-40-29, all relating to continuing education; requiring certain licensees to take continuing education in green building"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Manypenny, Canterbury, Wells and Staggers:

H. B. 2176 – "A Bill to amend and reenact §24-2F-4 and §24-2F-8 of the Code of West Virginia, 1931, as amended, all relating to interconnection and net-metering of customer-generators of renewable energy; providing ownership of renewable energy credits; and requiring the Public Service Commission to propose rules regarding net-metering and interconnection standards in this state"; to the Committee on the Judiciary.

By Delegates Poore, Campbell, Morgan, D. Poling and Hartman:

H. B. 2177 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §16-45-1, relating to authorizing the Department of Health and Human Resources in conjunction with the Division of Corrections to create a twelve-month pilot project to establish a responsible parent program; setting forth eligibility requirements; identifying instructional courses; and providing reporting and comparison requirements"; to the Committee on Health and Human Resources then Finance.

By Delegates Morgan and Stephens:

H. B. 2178 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-20, relating to authorizing licensing boards to require applicants to submit to criminal background checks; declaring the background checks do not violate public policy; requiring the background checks to be consistent with federal standards; providing rule-making authority; and

providing a confidentiality provision"; to the Committee on Government Organization then the Judiciary.

By Delegates Lane, Miller, E. Nelson, Armstead and Sobonya:

H. B. 2179 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-14, relating to absentee ballot fraud and providing felony criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Marshall, Miley and Moore:

H. B. 2180 – "A Bill to amend and reenact §11-15-9i of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17A-3-4a, all relating to special equipment installed in a motor vehicle for the use of a person with physical disabilities; excluding that equipment from the sales and use tax; and excluding the value of equipment when determining the value of the vehicle for imposition of the tax on the privilege of effecting the certification of the title of the vehicle"; to the Committee on Roads and Transportation then Finance.

By Delegates Reynolds, Marcum, Manchin, Pino and Ferro:

H. B. 2181 – "A Bill to amend and reenact §15-12-2, §15-12-5 and §15-12-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-5-13b of said code, all relating to authorizing a court to require a convicted juvenile sex offender whose underlying offense constitutes a first or second degree sexual assault and who is sixteen years of age or older to register as a sex offender; and maintaining confidentiality of juvenile sex offender registration information except for disclosure to law enforcement, school administration and counsel until the juvenile attains the age of eighteen years"; to the Committee on the Judiciary then Finance.

By Delegates Skaff, D. Poling, Pasdon, Andes, Caputo, Reynolds, Stowers and Morgan:

H. B. 2182 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5, §11-6L-6 and §11-6L-7; and to amend said code by adding thereto a new article, designated

§11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6, §11-13DD-7, §11-13DD-8, §11-13DD-9, §11-13DD-10, §11-13DD-11, §11-13DD-12, §11-13DD-13, §11-13DD-14, §11-13DD-15, §11-13DD-16, §11-13DD-17 and §11-13DD-18, all relating to creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act; defining terms; specifying method for valuation of certain property; providing for application to county assessors by specified date; providing procedure for protest and appeal of determination by county assessor; requiring the West Virginia Development Office to report to the Joint Committee on Government and Finance on the economic impact; specifying effective date; making legislative findings; allowing credits and exemptions from certain taxes; providing for computation of credit, application of credit and period for which credit is allowed; requiring application to claim credit; requiring that new jobs be good-paying jobs with health benefits; requiring identification of investment credit property and recomputation of credit in event of premature disposition of investment property; providing for forfeiture of unused tax credits and redetermination of credit allowed; imposing recapture tax under specified circumstances to recover state taxes and property taxes; allowing transfer of qualified investment to successors; providing for tax credit review and accountability; specifying effective date and termination date; providing rule-making authority; and providing a severability clause"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Skaff:

H. B. 2183 – "A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to requiring all final actions by the Department of Environmental Protection regarding coal mine permits to be completed within six months after the applicant provides all information required for a final decision to be made on the application for a coal mining permit"; to the Committee on the Judiciary.

By Delegates Fleischauer, Caputo, Longstreth and D. Poling:

H. B. 2184 – "A Bill to amend and reenact §23-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring review and

approval of final settlements of workers' compensation awards"; to the Committee on the Judiciary then Finance.

By Delegates Fleischauer, Caputo, Guthrie and Marshall:

H. B. 2185 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; and to amend said code by adding thereto a new section, designated §33-16D-17, all relating to insurance coverage; and requiring coverage of spouses and dependents for pregnancy and contraceptive services"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Fleischauer and Miley:

H. B. 2186 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9; and to amend said code by adding thereto a new section, designated §18B-1-12, all relating to the protection of the academic speech of professional educators"; to the Committee on Education.

By Delegates Fleischauer, Miley, Caputo, Longstreth, Marshall and Morgan:

H. B. 2187 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; that said code be amended by adding thereto a new section, designated §33-15-22; that said code be amended by adding thereto a new section, designated §33-16-18; and that said code be amended by adding thereto a new section, designated §33-16D-17, all relating to prohibiting gender discrimination in health care insurance plans"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Sumner, Howell, Sobonya and Miller:

H. B. 2188 – "A Bill to amend and reenact §15-2B-6 and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA testing of persons arrested for certain offenses, storing of DNA samples from sexual assault victims and expungement of samples absent a conviction"; to the Committee on the Judiciary then Finance.

By Delegates Howell, Rowan, A. Evans and Miley:

H. B. 2189 – "A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to creating a magistrate court deputy clerk for Mineral County"; to the Committee on the Judiciary then Finance.

By Delegates Morgan, Perdue, Ferro, Stephens and Poore:

H. B. 2190 – "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; and requiring the commission to propose legislative rules concerning concussions"; to the Committee on Education then the Judiciary.

By Delegates Miley and Caputo:

H. B. 2191 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, §9A-5-2, §9A-5-3, §9A-5-4, §9A-5-5, §9A-5-6 and §9A-5-7, all relating to establishment of the West Virginia Board of Veteran Education and Support; and authorizing powers and membership"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Miley, Fleischauer and Ellem:

H. B. 2192 – "A Bill to amend and reenact §55-7A-2 of the Code of West Virginia, 1931, as amended, relating to increasing parental liability for the willful, malicious or criminal acts of their juvenile children; eliminating the limitation on actual damages to out-of-pocket loss"; to the Committee on the Judiciary.

By Delegates Miley and Caputo:

H. B. 2193 – "A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to exempting nonresident property owners and their families from hunting, trapping and fishing license requirements when they are hunting, trapping or fishing on their own land"; to the Committee on Natural Resources then Finance.

By Delegates Morgan, Staggers and Swartzmiller:

H. B. 2194 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5c,

relating to authorizing the Ethics Commission to promulgate a legislative rule establishing guidelines under which a member of a state professional licensing board may serve concurrently as an officer of a state professional association"; to the Committee on Government Organization then the Judiciary.

By Delegates Miley, Lawrence, P. Smith and Poore:

H. B. 2195 – "A Bill to amend and reenact §61-8C-1 and §61-8C-3 of the Code of West Virginia, 1931, as amended, all relating to crimes and their punishment; filming of sexually explicit conduct of minors; Legislative findings; including 'lascivious' and 'child erotica' in definitions; and criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Miley, Lawrence, Caputo and Poore:

H. B. 2196 – "A Bill to amend and reenact §15-12-10 of the Code of West Virginia, 1931, as amended, relating to the sex offender registration; requiring registration and updating of information in the offender's county of residence; and adding an internal code reference"; to the Committee on the Judiciary.

By Delegates Miley, Longstreth, Barill, Jones, Stowers, Manchin and Boggs:

H. B. 2197 – "A Bill to amend and reenact §49-1-3 of the Code of West Virginia, 1931, as amended, relating to child abuse and neglect; clarifying that a child who is physically healthy and presumed safe is a neglected child if the child is habitually absent from school without good cause"; to the Committee on Education then the Judiciary.

By Delegates Miley, Moore, Poore and Lane:

H. B. 2198 – "A Bill to amend and reenact §62-11D-2 of the Code of West Virginia, 1931, as amended, relating to polygraph examinations required as a condition of supervision for certain sex offenders released on probation, parole or supervised release; amending the number of polygraph examinations that may be conducted by an examiner within a twenty-four hour period; and amending the number of conclusive examinations that may be

conducted on a sex offender by the same examiner within one year"; to the Committee on the Judiciary.

By Delegates Miley and Manchin:

H. B. 2199 – "A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended, relating to increasing salaries of magistrates who serve populations of eight thousand four hundred or more to sixty percent of the salary of circuit court judges"; to the Committee on the Judiciary then Finance.

By Delegates Ashley and Manchin:

H. B. 2200 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6, §11-13DD-7, §11-13DD-8, §11-13DD-9, §11-13DD-10, §11-13DD-11, §11-13DD-12 and §11-13DD-13, all relating to authorizing a tax credit against business franchise tax, corporate net income tax or personal income tax for eligible expenditures incurred in placing in service a residential or nonresidential energy-efficient building; defining terms; establishing the amount of tax credit permitted; authorizing rulemaking; and requiring reports to be made"; to the Committee on Finance.

By Delegates Ashley, Boggs and Miley:

H. B. 2201 – "A Bill to amend and reenact §49-6-5b of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8D-1 and §61-8D-4 of said code, all relating to child abuse and neglect; providing additional conditions for which the Department of Health and Human Resources is mandated to file a petition to terminate parental rights; extending the definition of neglect to include cohabiting with registered sex offenders; and criminal penalties"; to the Committee on the Judiciary.

By Delegates Boggs, Caputo, Manchin, Perdue, Pino, Sumner and Williams:

H. B. 2202 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all income received by retired state employees from the Public Employees

Retirement System and by retired teachers from the Teachers Retirement System from personal income tax"; to the Committee on Pensions and Retirement then Finance.

By Delegates Boggs, Caputo, Manchin, Perdue, Pino, Sumner and Williams:

H. B. 2203 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing a one-time supplement to retired public employees and teachers seventy years of age or older equal to three percent of their retirement benefits; setting forth conditions; and providing for exceptions"; to the Committee on Pensions and Retirement then Finance.

By Delegates Boggs, Ireland and Reynolds:

H. B. 2204 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to allowing a credit against state personal income tax for the purchase of new wood or pellet stove; allowing a tax credit for the purchase of wood pellets within West Virginia; and establishing the qualifying performance criteria for those stoves"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Boggs, Swartzmiller and Walters:

H. B. 2205 – "A Bill to amend and reenact §31-15A-2 and §31-15A-7 of the Code of West Virginia, 1931, as amended, all relating to infrastructure projects funded by the West Virginia Infrastructure Fund; providing definitions; specifying that infrastructure projects providing broadband services facilities be included in infrastructure projects eligible for funding; including the feasibility of inclusion of broadband transmission lines concomitant with the construction of new roads; providing that construction of broadband transmission lines may be funded from the infrastructure road improvement reserve account within the Infrastructure Fund; increasing the limitation of the amount of funds which may be annually transferred to the account"; to the

Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Iaquinta, Perdue, Boggs, Azinger, Hamilton, Ferro, Walters and Caputo:

H. B. 2206 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1E-6 relating to requiring the Office of Healthy Lifestyles to create and administer the 'West Virginia Winner' program to promote healthy living and improve lifestyle and increase longevity of West Virginia residents by participating in various athletic and cultural events in the fifty-five counties; setting forth the types of athletic and cultural events that may be included in the program; establishing competitive and noncompetitive bidding requirements; permitting county commissions to determine the types of events to hold; setting forth who may participate in the events; providing for winners in different age groups; establishing districts to be comprised of eleven counties each; and setting participant fee schedules for individuals, businesses, schools and other organizations"; to the Committee on Health and Human Resources then Finance.

By Delegate Manypenny:

H. B. 2207 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-2H-1, §19-2H-2 and §19-2H-3, all relating to creating the 'Genetically Engineered Organism Liability Act'; making legislative findings; creating liability for injuries arising from the release of genetically engineered organisms into the environment; providing that liability is nonwaivable; and defines a term"; to the Committee on Agriculture then Finance.

By Delegates Manypenny, Longstreth and Perdue:

H. B. 2208 – "A Bill to amend and reenact §22-11-8 of the Code of West Virginia, 1931, as amended, relating to prohibiting underground injection of coal slurry in new permits or modifications and renewals of existing permits"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Manypenny:

H. B. 2209 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-10-6, relating to the control of potentially dangerous wild animals, as specified, to protect the public against health and safety risks and to establish criminal penalties"; to the Committee on Natural Resources then the Judiciary.

By Delegates Manypenny, Fleischauer and Guthrie:

H. B. 2210 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8, §24-2G-9, §24-2G-10 and §24-2G-11, all relating to energy efficiency for electric and gas utilities and their customers; defining terms; establishing required energy efficiency programs and plans; setting forth time tables; establishing targets and goals; identifying certain metering and grid technologies; providing for revenue sharing; establishing penalties; providing for customer self direct option; allowing for administration by third-party entities; and providing for $600,000 in special license fees for implementation purposes"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2211 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-15B-1, §22-15B-2, §22-15B-3, §22-15B-4, §22-15B-5, §22-15B-6, §22-15B-7, §22-15B-8, §22-15B-9, §22-15B-10, §22-15B-11, §22-15B-12, §22-15B-13, §22-15B-14, §22-15B-15, §22-15B-16, §22-15B-17 and §22-15B-18, all relating to the imposition of advanced recovery fees on consumers for the purchase of electronic devices; definitions; administration by the Department of Environmental Protection; the creation of an E-Cycle Fund account; fee schedules for authorized collectors and recyclers and disbursements to authorized collectors, recyclers and manufacturers; manufacturer responsibilities; establishment of electronic device drop off centers in each county; civil penalties and sanctions; requirements when exporting covered electronic devices; and rule-making authority"; to the Committee on the Judiciary then Finance.

By Delegates Barill, Campbell, Caputo, Fleischauer, Manchin, Marshall, Moore and Pasdon:

H. B. 2212 – "A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to adding a magistrate to Monongalia County"; to the Committee on the Judiciary then Finance.

By Delegates Longstreth and Guthrie:

H. B. 2213 – "A Bill to amend and reenact §30-40-7, §30-40-11, §30-40-12 and §30-40-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-40-29, all relating to requiring applicants for, and holders of, licenses under the West Virginia Real Estate License Act to successfully pass criminal history record checks; granting the West Virginia Real Estate Commission with the authority to perform the criminal history record checks; requiring the applicants and licensees to cover the costs of performing the criminal history record checks; and providing rule-making authority"; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Canterbury, Miller, Sobonya, Ellem, Sumner, R. Phillips, J. Nelson and R. Smith:

H. B. 2214 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-29-1, §22-29-2, §22-29-3 and §22-29-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Miller, Sobonya and E. Nelson:

H. B. 2215 – "A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended, relating to voting procedures; and requiring a voter to present an identifying document which contains the name, address and a photograph of that person"; to the Committee on the Judiciary.

By Delegates Miller, Sobonya and Sumner:

H. B. 2216 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country, the choice of law used for contractual interpretations and choice of forum; exempting businesses; making legislative findings; stating public policy; defining a term; and providing a severability provision"; to the Committee on the Judiciary.

By Delegates Miller, Sumner, Sobonya and Ashley:

H. B. 2217 – "A Bill to amend and reenact §11-24-4 of the Code of West Virginia, 1931, as amended, relating to reducing the corporate net income tax rate to five and nine-tenths percent effective July 1, 2013"; to the Committee on Finance.

By Delegates Miller, Sobonya, Sumner and Kump:

H. B. 2218 – "A Bill to amend and reenact §15-1-6 of the Code of West Virginia, 1931, as amended, relating to restricting certain aid to the Armed Forces of the United States by West Virginia agencies and employees that would place them in violation of the United States Constitution, the Constitution of West Virginia, any provision of the Code of West Virginia, any act of the Legislature or any rule in the West Virginia Code of State Rules"; to the Committee on Government Organization then the Judiciary.

By Delegates Staggers, Ellington and Fleischauer:

H. B. 2219 – "A Bill to amend and reenact §5-16-23 of the Code of West Virginia, 1931, as amended, relating to providing that members of the Legislature whose only income is their legislative compensation are eligible for coverage under the West Virginia Public Employees Insurance health coverage plan"; to the Committee on Banking and Insurance then Finance.

By Delegates Rowan, Sobonya, Romine and Andes:

H. B. 2220 – "A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§62-11D-3 of said code, all relating to sex offenders; prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility; requiring persons, as a condition of probation, parole or supervised release, convicted of sexual crimes against a minor be subject to global positional system monitoring for life; and providing for a felony penalty"; to the Committee on the Judiciary.

By Delegates Craig, Reynolds and Andes:

H. B. 2221 – "A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to limiting the student to teacher ratio in kindergarten through sixth grades"; to the Committee on Education then Finance.

By Delegates Craig, Stowers, Morgan, Miller, Andes and Reynolds:

H. B. 2222 – "A Bill to amend and reenact §22A-2-66 of the Code of West Virginia, 1931, as amended, relating to the elimination of a fixed fine amount and permiting the Director of the Office of Miners' Health, Safety and Training flexibility when determining the appropriate penalty to impose against operators who fail to provide immediate notice upon the occurrence of a mining accident"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Gearheart, Ellington and Moore:

H. B. 2223 – "A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; and providing that five unexcused occasions on which a student is tardy for school may equal one unexcused absence"; to the Committee on Education.

By Delegates Fleischauer, Marshall and Manypenny:

H. B. 2224 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-7-12a, relating to requiring governing boards of all state colleges, universities and community colleges, both public and private, to submit plans detailing how paid childbirth leave of at least six weeks would be made available to nine-month faculty employees; requiring governing boards to study the paid childbirth plans at other institutions around the

country and consult with affected faculty members of both genders before submitting their plans; requiring that plans also specify how leaves would be funded and include proposed rules for using paid childbirth leave; and requiring the plans to identify the types of employees the plans would cover and identify any particular groups of employees to be excluded be identified and an explanation for their exclusion"; to the Committee on Education then Finance.

By Delegates Fleischauer and Pino:

H. B. 2225 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, §5-30-6, §5-30-7 and §5-30-8; to amend said code by adding thereto a new section, designated §7-1-16; and to amend and reenact §8-5-10 of said code, all relating to procedures for the transfer of power when certain elected officials are unable to fulfill the duties of their office; creating a procedure for the transfer of power due to disability or unavailability of the elected members of the Board of Public Works; requiring designation of chain of succession and waiver of HIPAA rights for certain elected officials; creating the disability evaluation panel; declaring procedures for voluntary temporary transfer of power and involuntary transfer of power; defining the process for reevaluation of findings by the disability evaluation panel; establishing procedures for declaration of unavailability; requiring that certain determinations be published in the State Register; providing for review of the disability evaluation panel's determinations by the Supreme Court of Appeals of West Virginia; directing the Supreme Court to create procedural rules pertaining to the review; requiring continuation of salary and insurance for certain disabled and unavailable elected officials; requiring counties to create a procedure for the transfer of power due to disability or unavailability; and requiring municipalities to create a procedure for the transfer of power due to disability or unavailability"; to the Committee on the Judiciary.

By Delegates Caputo, Boggs, Staggers, Manypenny, Moye, Ferro, Fleischauer and Longstreth:

H. B. 2226 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a,

relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in and are assigned to one of the top five counties in median monthly housing costs"; to the Committee on Finance.

By Delegate Cowles:

H. B. 2227 – "A Bill to amend and reenact §7-2-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum number of magisterial districts in a county from three to four"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Fleischauer, Marshall, Manypenny and Williams:

H. B. 2228 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-2D-1, §18B-2D-2, §18B-2D-3 and §18B-2D-4, all relating to creating the Higher Education Merit Screening Advisory Committee; setting forth the purpose, composition and member terms of the committee; exempting committee meetings from the open meeting law; setting forth the compensation and expenses of the members; and establishing powers and duties of the committee"; to the Committee on Education.

By Delegates Cowles, Stowers and Miller:

H. B. 2229 – "A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to exempting special fuel and propane used for home heating purposes from the motor fuel excise tax"; to the Committee on Finance.

By Delegate Manypenny:

H. B. 2230 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12, §16-8A-13, §16-8A-14, §16-8A-15, §16-8A-16, §16-8A-17, §16-8A-18, §16-8A-19, §16-8A-20, §16-8A-21, §16-8A-22, §16-8A-23 and §16-8A-24, all relating to creating the 'Compassionate Use Act for Medical Cannabis'; providing for protections for the medical use of

cannabis; limitations of article; prohibiting discrimination; authorizing addition of debilitating medical conditions; registration of qualifying patients and designated care givers; issuance of registry identification cards; affirmative defense and dismissal for medical marihuana; providing misdemeanor offense and criminal penalties for disclosing certain information; and otherwise providing for the enforcement of this article"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Williams, Hartman and Sumner:

H. B. 2231 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-14C-5a, relating to reducing the wholesale tax on heating fuel, off-road fuels, kerosene and propane used for home heating purposes or off-road use to 4.85 percent; and provides an effective date"; to the Committee on Agriculture then Finance.

By Delegates Caputo, Boggs, Staggers, D. Poling and Hamilton:

H. B. 2232 – "A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Superintendent of the State Police to develop a plan to increase the number of troopers to a minimum of eight hundred troopers by July 1, 2015"; to the Committee on Finance.

By Delegates Gearheart, Ellington and Householder:

H. B. 2233 – "A Bill to amend and reenact §18-9D-15 and §18-9D-16 of the Code of West Virginia, 1931, as amended, all relating to the School Building Authority; eliminating local participation in funding school construction projects and the associated limited funding reserve; eliminating certain regional planning activities when evaluating proposed construction projects; eliminating the requirement of a county board's efforts in school bond issues being a consideration when evaluating proposed projects; eliminating the requirement that counties receive explanations detailing the authority's decision concerning the funding of projects; requiring funds awarded by the School Building Authority must be consistent with the evaluation report of the School Building Authority; and declaring certain

documents related to funding consideration to be public documents and available to the public upon request"; to the Committee on Education then Finance.

By Delegates Gearheart and Ellington:

H. B. 2234 – "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting nonprofit, tax exempt corporations or organizations affiliated with a church or association of churches from consumer sales and service tax"; to the Committee on Finance.

By Delegate Staggers:

H. B. 2235 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-3-309, relating to prohibiting the prescription of oxycontin extended release or fentanyl patches unless those items contain naloxone to be released only on alteration of the delivery vehicle; requiring those substances be directly prescribed by a licensed practitioner with Schedule II privileges and directly monitored by a licensed physician or nurse at least monthly; and providing penalties, including being a felony for a third offense"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Paxton:

H. B. 2236 – "A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-4 of said code, all relating to providing a salary supplement for providers of Medicaid eligible services in the public schools and the financing thereof"; to the Committee on Education then Finance.

By Delegate Staggers:

H. B. 2237 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5X-1, §16-5X-2 and §16-5X-3, all relating to a requirement that physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain or patients who are engaged in methadone or suboxone treatment programs in order that the medication be readily available in the event of an accidental overdose and, therefore, lifesaving; education of patient and family or

caregivers"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Perdue:

H. B. 2238 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-1B-1, §27-1B-2, §27-1B-3, §27-1B-4, §27-1B-5 and §27-1B-6, all relating to involuntary treatment for drug and alcohol abuse; making legislative findings; providing a procedure for the commitment of persons suffering from alcohol or drug abuse; setting forth the criteria for extended involuntary treatment; requiring a probable cause hearing; setting forth the rights of persons subject to involuntary treatment; limiting those who may petition for involuntary treatment; setting forth what a petition must contain; requiring a payment guarantee by the petitioner; and requiring annual reports be made to the Governor and the Legislature"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Manypenny:

H. B. 2239 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-18; and to amend said code by adding thereto a new section, designated §30-3-19, all relating to requiring doctors and hospitals to bill patients within one year of when the goods and services were provided; and requiring doctors and hospitals to state with specificity any charges identified as miscellaneous"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rowan:

H. B. 2240 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-33, relating to making it unlawful for a physician performing an abortion that results in the delivery of a living child to intentionally allow or cause the child to die; requiring physicians to take certain actions depending on whether the child is viable or not; outlining the circumstances that apply in such instances; defining the term 'child'; creating a felony penalty; and establishing an effective date"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Ferro:

H. B. 2241 – "A Bill to amend and reenact §55-7B-2 of the Code of West Virginia, 1931, as amended, relating to adding pharmacist and pharmacy to the definition of 'health care provider' as used in the Medical Professional Liability Act"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Azinger:

H. B. 2242 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-18, relating to requiring abortion facilities to have certain written policies and procedures"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Azinger:

H. B. 2243 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, relating to requiring abortions be performed in a hospital or only by a physician with admitting privileges to a hospital; providing an exception for a medical emergency; providing definitions; requiring reporting requirements of abortion or reproductive health centers; providing license suspension for failure to report; and providing for professional disciplinary action, injunctive relief, damages and civil and criminal penalties for violations"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Manypenny:

H. B. 2244 – "A Bill to amend and reenact §60A-2-201 of the Code of West Virginia, 1931, as amended, relating to providing that a plant based substance or biological organism which has been scientifically studied and determined to provide any potential medical benefit may not be designated or rescheduled as a Class I or II controlled substance"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Iaquinta:

H. B. 2245 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-11B-1, §17C-11B-2, §17C-11B-3, §17C-11B-4, §17C-11B-5 and §17C-11B-6,

all relating to requiring the use of helmets by skateboarders; making legislative findings; defining terms; setting forth requirements for helmets; setting forth requirements for the sale of helmets; and establishing monetary penalties"; to the Committee on the Judiciary.

By Delegate Sumner:

H. B. 2246 – "A Bill to amend and reenact §20-2-42b and §20-2-42f of the Code of West Virginia, 1931, as amended, all relating to fishing licenses; providing that a Class B resident fishing license is effective one year from the date of purchase; and a Class F nonresident fishing license is effective one year from the date of purchase"; to the Committee on Natural Resources then the Judiciary.

By Delegates Marshall, Barill, Fleischauer and Pasdon:

H. B. 2247 – "A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating to residency requirements for persons appointed as campus police officers"; to the Committee on Education then the Judiciary.

By Delegates Iaquinta, Longstreth, Stephens and Azinger:

H. B. 2248 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-11b, relating to establishing a program to promote veteran friendly communities; requiring the Division of Veterans Affairs, in consultation with the Veteran's Council, to implement a program to assist and encourage the development of veteran friendly services, benefits and assistance available to veterans; setting forth what the program must contain; permitting the division to solicit the cooperation, assistance and counsel of nonprofit organizations representing municipalities and counties; and requiring annual reports"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate Azinger:

H. B. 2249 – "A Bill to amend and reenact §5-10-24 of the Code of West Virginia, 1931, as amended, relating to requiring that the

annuity option of a modified joint and survivor annuity be the default option for retirees in the Public Employees Retirement System unless the spouse of the retiring member approves a different annuity option"; to the Committee on Pensions and Retirement then Finance.

By Delegates Marshall, Moore, Guthrie and Moye:

H. B. 2250 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-3-1a, relating to providing loan and loan forgiveness programs for nurses, social workers, dentists and hygienists; creating the Nursing, Social Worker, Dentist and Hygienist Education Student Loan Fund; determining the eligibility requirements to receive a loan; determining the eligibility requirements to have $5,000 of a loan to be cancelled; requiring reports to be submitted; and setting forth what those reports are to contain"; to the Committee on Education then Finance.

By Delegates Fleischauer, Guthrie and Moore:

H. B. 2251 – "A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation generally and providing for the payment of unemployment compensation when a person misses work due to domestic violence"; to the Committee on the Judiciary.

By Delegates Fleischauer, Marshall, Staggers and Poore:

H. B. 2252 – "A Bill to amend and reenact §21-5E-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the equal pay commission to study the 'glass ceiling' concept and to make recommendations as appropriate based on its findings"; to the Committee on Government Organization then the Judiciary.

By Delegates Caputo, D. Poling, Swartzmiller, Manchin, Hamilton, Longstreth, Guthrie and Fleischauer:

H. B. 2253 – "A Bill to amend and reenact §60-2-12 of the Code of West Virginia, 1931, as amended, relating to enforcement officers employed by the office of West Virginia Alcohol Beverage Control Commissioner being included in the classified service under the Civil Service System"; to the Committee on Government Organization then Finance.

By Delegates Manypenny and Fleischauer:

H. B. 2254 – "A Bill to amend and reenact §22-6A-18 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the Department of Environmental Protection to order the operator of a gas and oil operation whose operations have resulted in contamination, diminution or interruption of a water supply for domestic or agricultural purposes to provide an emergency, temporary and permanent water supply and pay costs; requiring operators to pretest water wells and domestic springs within three thousand five hundred feet of the center of the well pad prior to drilling; continuing the obligation of operator to provide water supply pending final resolution of litigation; and modifying the defenses to the rebuttable presumption that the drilling or oil and gas well, or both, is the proximate cause of any contamination, diminution or interruption of water wells or springs"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Fleischauer, Manchin, Swartzmiller, Boggs and Canterbury:

H. B. 2255 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-6a, relating to studying injection induced seismic activity associated with horizontal well drilling and waste injection sites; development of guidelines for monitoring seismic activity; and rulemaking"; to the Committee on the Judiciary.

By Delegates Manypenny and Fleischauer:

H. B. 2256 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-26-8a, relating to establishing a cradle to grave monitoring system for withdrawals of water used in the development of natural wells drilled to the Marcellus shale geologic formation; requiring the use of hydrants with a backflow preventer; authorizing rulemaking; and authorizing fee collection"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Rowan and Fleischauer:

H. B. 2257 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-21a,

relating to the creation of a publicly available database that documents and maintains specific, up to date information on all horizontally drilled wells in the state"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Longstreth and Rowan:

H. B. 2258 – "A Bill to amend and reenact §22-6-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-6A-12 of said code, all relating to requiring the center of all new gas wells to be more than one thousand feet from water wells or dwellings or six hundred twenty-five feet from the edge of the well pad to water wells or dwellings, whichever is further"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2259 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-5b, relating to requiring persons giving testimony or providing information to the Legislature to attest to the truthfulness of the testimony or information; providing who may administer the oath; defining a term; and providing penalties"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 2260 – "A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting the drilling of horizontal oil and gas wells beneath abandoned wells; and prohibiting fracking within five hundred feet of an abandoned well"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny and Fleischauer:

H. B. 2261 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-4a, relating to requiring hospitals and other medical service providers to bill Medicaid for eligible inmate hospital and professional services"; to the Committee on Health and Human Resources then Finance.

By Delegates Manypenny, Moye, Longstreth, Rowan and Staggers:

H. B. 2262 – "A Bill to amend and reenact §22-6A-16 of the Code of West Virginia, 1931, as amended, relating to requiring operators of

natural gas wells and surface owners to enter into surface use agreements; setting forth the requirements of an agreement; providing exceptions; setting forth the rights and responsibilities of operators and surface owners; requiring operators to give notice of drilling activities; requiring a bond or other surety to be posted; establishing a cause of action; permitting damages; and permitting activities necessary to protect health, safety or the environment"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Rowan and Fleischauer:

H. B. 2263 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to permitting surface owners to receive a two percent royalty for minerals extracted below the surface of their property; and permitting a two percent royalty for certain surface owners"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Rowan and Fleischauer:

H. B. 2264 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to requiring mineral lessors to disclose to surface owners and persons financing the purchase of the surface regarding the impact the mineral extraction will have on the surface owner and the value of the surface property"; to the Committee on the Judiciary then Finance.

By Delegates Fleischauer, L. Phillips, Campbell, Poore, Marshall and Barill:

H. B. 2265 – "A Bill to amend and reenact §18-9F-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 of said code, all relating to the School Access Safety Act; requiring public, private, parochial and church schools to include sports injury protocols in their crisis response plans; and requiring the State Board of Education to promulgate a legislative rule incorporating protocols for sports injuries that occur on school property; setting forth what the protocols must include; and establishing a date by which schools must file the plans to their respective county boards of education"; to the Committee on Education then Finance.

By Delegates Perry, Moore, P. Smith, Sumner and Stowers:

H. B. 2266 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing a yearly bonus payable in July of every year starting in 2013 for retired public school teachers and state retirees"; to the Committee on Pensions and Retirement then Finance.

By Delegates Moye, Stephens, Morgan, Perdue and Reynolds:

H. B. 2267 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-11, relating to the Senior Farmers' Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers' Market Nutrition Program Fund; and requesting additional funds to be added to the fund"; to the Committee on Agriculture then Finance.

By Delegates Moye, Perry, Williams, Perdue, Staggers and Hamilton:

H. B. 2268 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled"; to the Committee on Finance.

By Delegates Marshall, Barill, Iaquinta and Longstreth:

H. B. 2269 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to making it a crime to prevent or obstruct an individual from contacting emergency service personnel or law-enforcement officers in the reporting of an unlawful act; defining a term; and providing for criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Iaquinta, Skaff, Marshall and Rowan:

H. B. 2270 – "A Bill to amend and reenact §48-27-505 of the Code of West Virginia, 1931, as amended, relating to increasing the effective period for domestic violence protective orders; increasing the effective

period for domestic violence protective orders in cases not involving aggravating factors from ninety days or six months to six months or one year; and increasing the effective period for a domestic violence protective order in cases where aggravating factors are proven from one year to two years"; to the Committee on the Judiciary.

By Delegates Skaff, Campbell, Ferns, Staggers, Moye and Stephens:

H. B. 2271 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-8i, relating to retaining nursing educators; providing a tax credit up to $3,500 for full-time nursing faculty members in the state; establishing the criteria for taking the credit; granting rule-making authority to the State Tax Commissioner; and defining terms"; to the Committee on Education then Finance.

By Delegates Skaff and Manchin:

H. B. 2272 – "A Bill to amend and reenact §3-6-5 of the Code of West Virginia, 1931, as amended, relating write-in candidates when electronic voting systems are used"; to the Committee on the Judiciary.

By Delegates Iaquinta, Longstreth, Pethtel, Rowan, Ferro, Walters and Jones:

H. B. 2273 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1F-12, relating to limiting the liability of certain military personnel who respond to local emergencies and calls for assistance, unless the act is determined to be willful and wanton or constitutes gross negligence"; to the Committee on the Judiciary.

By Delegates Rowan, Canterbury, Sumner, Romine and Hamilton:

H. B. 2274 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled"; to the Committee on Finance.

By Delegates Hamilton, Stowers, Canterbury, D. Poling, Guthrie, Azinger and A. Evans:

H. B. 2275 – "A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing a one year window to permit members of the public employees retirement system to purchase credited service that had been previously forfeited"; to the Committee on Pensions and Retirement then Finance.

By Delegates Fleischauer, Guthrie, Marshall and Poore:

H. B. 2276 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-25, all relating to the creation of a tax incentive to dental practitioners to perform dental services at no cost to indigent patients; providing a decreasing modification reducing federal gross income; providing a decreasing modification reducing federal taxable income; defining terms; providing amount of decreasing modifications; requiring a schedule to be filed with a tax return to receive the decreasing modifications; and providing authority for rule making"; to the Committee on Health and Human Resources then Finance.

By Delegates Caputo, Guthrie, Barill, Fleischauer, Manypenny, Boggs, Hamilton, Pethtel, Marshall and D. Poling:

H. B. 2277 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-16-1, §21-16-2, §21-16-3, §21-16-4, §21-16-5 and §21-16-6, all relating to discouraging employers from closing call centers and other customer service operations in West Virginia and relocating overseas; notice requirement; and civil penalties"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Fleischauer, Caputo, Pino, Guthrie and Poore:

H. B. 2278 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §53-8-101, §53-8-201, §53-8-202, §53-8-203, §53-8-204, §53-8-205, §53-8-301, §53-8-302, §53-8-303, §53-8-304, §53-8-305, §53-8-306, §53-8-307,

§53-8-308, §53-8-309, §53-8-310, §53-8-311, §53-8-401, §53-8-501, §53-8-502, §53-8-503, §53-8-504, §53-8-505, §53-8-506, §53-8-507, §53-8-508, §53-8-601, §53-8-701, §53-8-801, §53-8-802, §53-8-901, §53-8-902, §53-8-903, §53-8-904, §53-8-1001, §53-8-1101, §53-8-1102 and §53-8-1103; and to amend and reenact §62-1C-17c of said code, all relating to the protection of nonfamily or nonhousehold members from sexual offenses, stalking and harassment including criminal charges and penalties"; to the Committee on the Judiciary then Finance.

By Delegates Azinger and D. Poling:

H. B. 2279 – "A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to towing companies notifying the Division of Motor Vehicles of abandoned vehicles that have been towed and levying a penalty against the owner of the abandoned vehicle if the fees for towing are not paid in full"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Manypenny:

H. B. 2280 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to requiring persons who are not members of the American Association of Professional Landmen to have two years or more of experience in contracting for oil and gas leases before being able to represent lessors in the exploration or development of natural gas in the Marcellus Shale geologic formation; requiring those persons to also successfully complete an ethics class; making findings; defining a term; and establishing monetary penalties"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Paxton, Caputo and Moye:

H. B. 2281 – "A Bill to amend and reenact §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to school service personnel; and increasing the pay grade of cafeteria managers"; to the Committee on Education then Finance.

By Delegates Ellem and Moore:

H. B. 2282 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-5b, relating to prohibiting the use of a person's credit history for insurance purposes"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Ellem, Hamilton, D. Poling and Anderson:

H. B. 2283 – "A Bill to amend and reenact §20-2-54 of the Code of West Virginia, 1931, as amended, relating to license for privately owned commercial shooting preserves; and providing that the amount of required acreage for bird hunting preserves may be one hundred acres"; to the Committee on Natural Resources then the Judiciary.

By Delegates Ellem, Hamilton, Sumner, Rowan, Howell, Walters, Romine and Ellington:

H. B. 2284 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting social security benefits from West Virginia personal income"; to the Committee on Senior Citizen Issues then Finance.

By Delegates Williams and Hartman:

H. B. 2285 – "A Bill to amend and reenact §55-7-15 of the Code of West Virginia, 1931, as amended, relating to providing immunity from civil liability hospital volunteers who in good faith render emergency care at a hospital, without remuneration, from civil liability for rendering those services"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Skaff, Ferro, Stowers and Hamilton:

H. B. 2286 – "A Bill to amend and reenact §5B-2F-2 of the Code of West Virginia, 1931, as amended, relating to permitting the Division of Energy to develop an energy related public relations campaign focused on educating Washington, D.C. about West Virginia coal and its positive impact on the eastern seaboard"; to the Committee on Government Organization then the Judiciary.

By Delegates Iaquinta, Skaff and Walters:

H. B. 2287 – "A Bill to amend and reenact §50-2-1 of the Code of West Virginia, 1931, as amended, relating to the jurisdiction of magistrate courts; and increasing the upper jurisdictional amount in controversy from $5,000 to $12,000"; to the Committee on the Judiciary.

By Delegates Perdue, Lawrence, Marshall, Moye, Poore, Ferns, Ellington and Rowan:

H. B. 2288 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3 and §61-12A-4, all relating to the creation of the Unintentional Pharmaceutical Drug Overdose Fatality Review Team under the Office of the Chief Medical Examiner; making legislative findings; setting forth membership of the team; setting forth responsibilities of the team; identifying actions that the team may not take; providing that team members serve without additional compensation and may not be reimbursed for expenses; requiring an annual report be submitted to the Governor and Legislature; providing for the confidentiality of the team's proceedings, records and opinions; setting forth record-keeping requirements; requiring other state agencies, hospitals and other health agencies to cooperate with the team; and granting rule-making authority"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Fleischauer and Lawrence:

H. B. 2289 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48, relating to county boards of education; requiring county boards to provide transportation to and from school for each school child that needs or desires transportation; requiring county boards to establish, maintain and adhere to schedules for the transportation of students to and from school; and requiring new bus routes adhere to specific time periods between initial pick up and final drop off of a student"; to the Committee on Education then Finance.

By Delegates Ferro, Fleischauer, Stowers, Pethtel and Lawrence:

H. B. 2290 – "A Bill to amend and reenact §5-1-20 of the Code of West Virginia, 1931, as amended, relating to requiring reports to the Governor from state agencies to be made available electronically via the Internet"; to the Committee on Government Organization.

By Delegate Iaquinta:

H. B. 2291 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-1b, relating to the denial of course credits for unexcused absences in school"; to the Committee on Education.

By Delegate Iaquinta:

H. B. 2292 – "A Bill to amend and reenact §22-15A-10 of the Code of West Virginia, 1931, as amended, relating to permitting the Secretary of the Department of Environmental Protection to remediate any waste tire pile consisting of twenty-five tires or more"; to the Committee on the Judiciary then Finance.

By Delegates Iaquinta, Longstreth, D. Poling, Walters and Miley:

H. B. 2293 – "A Bill to amend and reenact §20-2-54 of the Code of West Virginia, 1931, as amended, relating to license for privately owned commercial shooting preserves; and providing that the amount of required acreage for bird hunting preserves may be one hundred acres"; to the Committee on the Judiciary.

By Delegates Ferns, Williams, Perdue, Perry, R. Phillips and Ferro:

H. B. 2294 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to the transport and storage of firearms in private vehicles; definition; providing that rules or policies shall not be established that prohibit a person's lawful transport or storage of a firearm or ammunition; civil actions for violations; recovery for employees discharged for violation of rule or policy prohibited by section;

limitation on liability; and exemptions"; to the Committee on the Judiciary.

By Delegates Cowles and Overington:

H. B. 2295 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10d, relating to prohibiting project labor agreements on state-funded construction contracts"; to the Committee on Government Organization then Finance.

By Delegates Cowles, Miller, L. Phillips and Lawrence:

H. B. 2296 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-12a, relating to establishing a bill of rights for children in foster care"; to the Committee on the Judiciary.

By Delegates Cowles and Stowers:

H. B. 2297 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-12b, relating to establishing a bill of rights for foster parents"; to the Committee on the Judiciary.

By Delegates Cowles, Stowers and Sobonya:

H. B. 2298 – "A Bill to amend and reenact §49-7-26 of the Code of West Virginia, 1931, as amended, relating to the responsibilities of prosecuting attorneys when representing the Department of Health and Human Resources"; to the Committee on the Judiciary.

By Delegates Poore, Moore, Guthrie, Wells and Skaff:

H. B. 2299 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-4B-1, §33-4B-2, §33-4B-3 and §33-4B-4, all relating to requiring certain insurance companies to participate in information data matches with the Bureau of Child Support Enforcement for the purpose of establishing, modifying and enforcing child support, spousal support and medical support; requiring certain insurance companies to pay the Bureau of Child Support Enforcement for past-due child support

instead of the claimant; granting income withholding notice for past-due support to have priority over all other liens or levies upon the payment with certain exceptions; requiring medical insurance reporting; defining terms; establishing limitation of liability for those insurance companies; and providing civil penalties"; to the Committee on the Judiciary then Finance.

By Delegates Reynolds, Fleischauer, Lawrence, Sobonya, Caputo, Ellem, Poore and Skaff:

H. B. 2300 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2 and §15-14-3, all relating to regulation of the use of Internet by children"; to the Committee on the Judiciary.

By Delegates Reynolds, Ferns, R. Phillips, Skaff, Stowers, Barill, Campbell, Moye and L. Phillips:

H. B. 2301 – "A Bill to amend and reenact §33-17A-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting declination or termination of property insurance based solely upon a home owner's possession of a certain breed of dog; and providing exception"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Manypenny, Barill and Williams:

H. B. 2302 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to personal income tax; providing a personal income tax modification for retirees who are in long-term care facilities who also receive retirement or investment income; and defining a term"; to the Committee on Pensions and Retirement then Finance.

By Delegate Miller:

H. B. 2303 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to requiring all high schools to teach fetal development; and stating that the requirement may not be construed as approving abortion"; to the Committee on Education then Finance.

By Delegates Manypenny, Barill, Fleischauer and Longstreth:

H. B. 2304 – "A Bill to amend and reenact §22-5-1 of the Code of West Virginia, 1931, as amended, relating to adding air pollution from oil and gas facilities, wells, pipelines and tanks to the coordinated statewide program of air pollution prevention"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Moye and Poore:

H. B. 2305 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4, §16-45-5 and §16-45-6; and to amend and reenact §46A-6-102 of said code, all relating to creating the 'BPA-Free Kids Act'; prohibiting the manufacture, sale, and distribution of infant formula or baby food stored in a plastic container, jar, or can containing bisphenol A; prohibiting the manufacture, sale, and distribution of any reusable food or beverage container containing bisphenol A; enforcement and penalties; and legislative rules"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Cowles:

H. B. 2306 – "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to clarifying that the Legislature is the sole authority regarding compulsory immunizations and exemptions from same"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Cowles, Hamilton, Andes, Howell, Pasdon, Ellington, Azinger, Storch and Ireland:

H. B. 2307 – "A Bill to amend and reenact §11-24-4 of the Code of West Virginia, 1931, as amended, relating to corporation net income tax; and reducing the tax rate to five and nine-tenths percent effective January 1, 2013"; to the Committee on Finance.

By Delegates Cowles, Miller, Overington and Espinosa:

H. B. 2308 – "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to the excise tax on the privilege of transferring real property; and providing that the tax be

used to reimburse counties for regional jail fees"; to the Committee on the Judiciary then Finance.

By Delegates Paxton and Stowers:

H. B. 2309 – "A Bill to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to prohibiting schools and boards of education from assigning a teacher additional responsibilities during planning periods without that teacher's consent"; to the Committee on Education then the Judiciary.

By Delegates Paxton, Caputo, Boggs and Stowers:

H. B. 2310 – "A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing an additional circuit court judge for the Fifth Judicial Circuit consisting of Calhoun, Jackson, Mason and Roane counties"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny and Perdue:

H. B. 2311 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-22; and amending and reenacting §9-9-3 of said code, all relating to permitting the state to opt out of a federal statute that would otherwise not allow a state resident who has been convicted of a felony involving a controlled substance from receiving certain benefits provided by the Social Security Act and the Food Stamp Act"; to the Committee on the Judiciary then Finance.

By Delegates Caputo, Manchin, Longstreth, Barill, Marshall and Moore:

H. B. 2312 – "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to requiring that removable windshield placards issued to persons with a mobility impairment contain a photograph of the person to whom the placard is issued"; to the Committee on Roads and Transportation then Finance.

By Delegates Manypenny and Fleischauer:

H. B. 2313 – "A Bill to amend and reenact §11A-3-19 and §11A-3-21 of the Code of West Virginia, 1931, as amended; to amend

said code by adding thereto a new section, designated §11A-3-23a; to amend and reenact §11A-3-52 and §11A-3-54 of said code; and to amend said code by adding thereto a new section, designated §11A-3-58a, all relating to permitting surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; establishing the purchase price to be twice the amount owed by the mineral interest owner; setting forth the procedure for clerks and deputy commissioners; establishing a nonrefundable $20 administrative fee to be paid by surface owners; providing a procedure if more than one surface owner desires to purchase the delinquent mineral interest; and modifying notices to redeem that are sent to property owners identifying the additional rights available to surface owners"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Poore, Guthrie, Wells, Lawrence, Miley and Skaff:

H. B. 2314 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-6-9a, relating to authorizing a family court judge to order a child to be taken into custody in emergency situations which occur in the presence of the judge; and providing procedures when a child is ordered taken into emergency custody"; to the Committee on the Judiciary.

By Delegates Cowles and Lawrence:

H. B. 2315 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring automated external defibrillators in public schools"; to the Committee on Education then Finance.

By Delegates Cowles, Andes, Householder, Walters, R. Phillips and Stowers:

H. B. 2316 – "A Bill to amend and reenact §24-2F-5 of the Code of West Virginia, 1931, as amended, relating to awarding credits for use of alternative and renewable energy resources; and to remove

language which sets a ceiling on the percentage of credits that can be used to meet compliance requirements from the generation or purchase of electricity generated from natural gas"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Romine and Ellem:

H. B. 2317 – "A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to requiring the presentation of documents with greater indicia of validity then is currently required for proof of identity prior to the issuance of a driver's license"; to the Committee on Roads and Transportation then the Judiciary.

By Delegate P. Smith:

H. B. 2318 – "A Bill to amend and reenact §27-6A-3 of the Code of West Virginia, 1931, as amended, relating to competency and criminal responsibility of persons charged or convicted of a crime; and to the evaluation standard used in releasing forensic admissions from mental health facilities to a less restrictive environment"; to the Committee on the Judiciary.

By Delegates Caputo, Longstreth and Iaquinta:

H. B. 2319 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to allowing state employees to take paid leave to attend parent-teacher conferences for their children"; to the Committee on Government Organization then Finance.

By Delegates Caputo and Longstreth:

H. B. 2320 – "A Bill to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing local authorities the authority to lower the speed limit on streets and highways where school buses travel; and providing that no lowering of a speed limit is effective until approved by the Commissioner of Highways"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Perdue and Hamilton:

H. B. 2321 – "A Bill to amend and reenact §11-16-13 of the Code of West Virginia, 1931, as amended, relating to increasing the barrel tax on nonintoxicating beer"; to the Committee on Finance.

By Delegates Iaquinta and Azinger:

H. B. 2322 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16C-9a, relating to permitting unused, unexpired nonnarcotic drugs to be distributed to free health care clinics in the state from deceased nursing home patients or residents with the consent of the family of the decedent"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Fleischauer and Manypenny:

H. B. 2323 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8 and §24-2G-9, all relating to energy efficiency for electric and gas utilities and their customers; defining terms; establishing required energy efficiency programs and plans; setting forth time tables; establishing targets and goals; identifying certain metering and grid technologies; providing for revenue sharing; establishing penalties; and providing for $600,000 in special license fees for implementation purposes"; to the Committee on Government Organization then Finance.

By Delegate Iaquinta:

H. B. 2324 – "A Bill to amend and reenact §61-8D-3 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum prison sentence from two years to five years without the possibility of parole for a parent, guardian or custodian who abuses a child that results serious bodily injury"; to the Committee on the Judiciary then Finance.

By Delegate P. Smith:

H. B. 2325 – "A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to aggressive and violent

behavior that is otherwise criminal activity of persons committed to state hospitals; authorizing immediate discharge and transportation to a regional jail"; to the Committee on the Judiciary.

By Delegates Iaquinta and Hartman:

H. B. 2326 – "A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to persons who do not qualify for professional certificates who are issued certificates to serve in the public schools as athletic coaches or other extracurricular activities coaches; and removing certain limitations on this service when certain conditions are met"; to the Committee on Education.

By Delegates Swartzmiller, Moye, Sumner, Skaff and Boggs:

H. B. 2327 – "A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to adding the county sheriff, or his or her designee, to those law-enforcement officials who are granted access to certain confidential pharmaceutical information relating to the monitoring of certain controlled substances"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Skaff and Poore:

H. B. 2328 – "A Bill to amend and reenact §11A-2-2 of the Code of West Virginia, 1931, as amended, relating to collection of delinquent taxes; and allowing counties to deduct the cost of collection of delinquent taxes from the distribution to levying bodies"; to the Committee on Finance.

By Delegates Sumner and Romine:

H. B. 2329 – "A Bill to amend and reenact §18A-4-10d of the Code of West Virginia, 1931, as amended, relating to use of personal leave days by surviving spouse of a deceased employee of a school board in certain circumstances"; to the Committee on Education then Finance.

By Delegate Azinger:

H. B. 2330 – "A Bill to amend and reenact §8-22-25 of the Code of West Virginia, 1931, as amended, relating to permitting a retired

police officer to be hired as a chief of police and continue to receive retirement benefits"; to the Committee on Pensions and Retirement then Finance.

By Delegate Perdue:

H. B. 2331 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-25H-1, §33-25H-2, §33-25H-3, §33-25H-4, §33-25H-5, §33-25H-6, §33-25H-7, §33-25H-8, §33-25H-9, §33-25H-10, §33-25H-11, §33-25H-12, §33-25H-13 and §33-25H-14, all relating to creating the 'Pharmacy Benefit Manager Licensing and Regulation Act'; establishing standards and criteria for the licensing and regulation of pharmacy benefit managers; requiring a filing fee; defining terms; requiring the disclosure of ownership or affiliation and certain agreements; establishing fees; requiring the retention of records; providing for annual statements; authorizing access to records; establishing a special revenue account designated the 'Pharmacy Benefit Managers Licensure Fund'; requiring certain information be maintained as confidential; establishing criminal and civil penalties, including felonies; authorizing rule-making; requiring annual reports to the Legislature and Governor; and setting an effective date"; to the Committee on Health and Human Resources then Finance.

By Delegates Wells and Iaquinta:

H. B. 2332 – "A Bill to amend and reenact §5A-7-11 of the Code of West Virginia, 1931, as amended, relating to confidential records"; to the Committee on Government Organization then the Judiciary.

By Delegate Sumner:

H. B. 2333 – "A Bill to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to setting forth the conditions under which a member of an institutional board of governors may serve more than four consecutive years as chairperson"; to the Committee on Education.

By Delegates Azinger, A. Evans and D. Poling:

H. B. 2334 – "A Bill to repeal §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to repealing the one hundred forty

day limitation that a retired school teacher may teach in public schools"; to the Committee on Pensions and Retirement then Finance.

By Delegates Caputo, Azinger, D. Poling and Williams:

H. B. 2335 – "A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for conservation officers"; to the Committee on Natural Resources then Finance.

By Delegate Caputo:

H. B. 2336 – "A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to removing the receipt of an annuity, pension or other retirement pay as a disqualification for unemployment compensation benefits"; to the Committee on the Judiciary then Finance.

By Delegates P. Smith, L. Phillips and Campbell:

H. B. 2337 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to creating the criminal offense of online impersonation for purposes of harming, intimidating, threatening or defrauding another person; providing criminal penalty for violation; providing definitions; and providing that the offense is supplemental to other laws"; to the Committee on the Judiciary.

By Delegate P. Smith:

H. B. 2338 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction; requiring the organization that accepts the sex offender as a volunteer to notify the parents or guardians of those minors of his or her conviction; and setting forth penalties"; to the Committee on the Judiciary then Finance.

By Delegates P. Smith, Ferro, Longstreth and D. Poling:

H. B. 2339 – "A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended, relating to removing the armed

conflict requirement before state employees may receive credit for time served in the Armed Forces of the United States; and prohibiting those employees who were not honorably discharged from receiving that credit"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates P. Smith, Lawrence, Poore and Wells:

H. B. 2340 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-4-2c and §18A-4-8j; and to amend said code by adding thereto a new section, designated §18B-7-1a, all relating to providing pay rates for teachers and other personnel employed by county boards of education and institutions of higher education for work assignments outside of regular school days or regular employment duties or beyond contracted employment periods"; to the Committee on Education then Finance.

By Delegates P. Smith, Barrett, Barill, Caputo, Guthrie, Pino and Sumner:

H. B. 2341 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-37; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing a cost-of-living provision for certain persons retired under the Public Employees Retirement System and the Teachers Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates P. Smith, Pethtel, Moye, Ellem, Poore, Reynolds, Walters and Manchin:

H. B. 2342 – "A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to issuance of a barrister's certificate to teach course specific curricula in West Virginia public schools"; to the Committee on Education.

By Delegates P. Smith, Perry and Lawrence:

H. B. 2343 – "A Bill to amend and reenact §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to school service

personnel minimum monthly salaries; increasing the education increment"; to the Committee on Education then Finance.

By Delegates P. Smith, Williams, Stowers, Lawrence and L. Phillips:

H. B. 2344 – "A Bill to amend and reenact §18-7A-28 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System; options to beneficiaries; and authorizing a change of options because of death of beneficiary with a joint life annuity, within the first five years of retirement"; to the Committee on Pensions and Retirement then Finance.

By Delegates P. Smith, Rowan, Lawrence, Stephens, Skaff and Stowers:

H. B. 2345 – "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue a special license plate for applicants who are hearing impaired and establishing requirements for eligibility; and fees"; to the Committee on Roads and Transportation then Finance.

By Delegates Moore, Reynolds and Azinger:

H. B. 2346 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated as §47-26-1, §47-26-2, §47-26-3, §47-26-4, §47-26-5, §47-26-6, §47-26-7, §47-26-8, §47-26-9, §47-26-10, §47-26-11, §47-26-12, §47-26-13, §47-26-14, §47-26-15, §47-26-16, §47-26-17, §47-26-18, §47-26-19, §47-26-20, §47-26-21, §47-26-22, §47-26-23, §47-26-24, §47-26-25, §47-26-26, §47-26-27, §47-26-28, §47-26-29, §47-26-30, §47-26-31, §47-26-32, §47-26-33, §47-26-34, §47-26-35, §47-26-36, §47-26-37, §47-26-38 and §47-26-39, all relating to creating 'The Uniform Debt Management Services Act'; regulating debt management services providers; providing for the registration of debt management service providers with the Division of Banking; defining terms; providing exemptions for certain agreements and persons; establishing the application information and fees required for registration; requiring applicants and registrants to provide the Commissioner of Banking

with certain updated information provided as part of the application; establishing the grounds under which the commissioner may deny a registration; requiring the commissioner to act on a registration application within one hundred twenty days of receipt of the complete application; requiring an annual renewal of all registrations; requiring periodic reporting by providers; requiring a surety bond for registered providers; requiring providers of debt management services to act in good faith and maintain customer service access during ordinary business hours; establishing the prerequisites for providing debt management services; requiring certain provisions in all contracts to provide debt management services; providing for the ability to terminate a debt management services agreement upon notice; providing that all money paid to a debt management services provider shall be held in trust in an insured bank account; prohibiting the imposition of a fee or other charge for debt management services until the provider and customer have signed an agreement; providing that an individual may void an agreement and recover a refund of any moneys paid; providing a five-year period for retention of records; establishing prohibited acts and practices of a debt management service provider; requiring a provider to provide the commissioner with notice of any civil litigation against it relating to violation of this article; requiring certain disclosures in advertising by debt management services providers; authorizing the Division of Banking to examine providers for compliance; requiring background investigation of principals of providers; authorizing the Division of Banking and the Office of the Attorney General to enforce the act; providing for private enforcement remedies; and establishing statutes of limitations"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Fleischauer, Manypenny and Staggers:

H. B. 2347 – "A Bill to amend and reenact §22-15A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto thirteen new sections, designated §22-15A-30, §22-15A-31, §22-15A-32, §22-15A-33, §22-15A-34, §22-15A-35, §22-15A-36, §22-15A-37, §22-15A-38, §22-15A-39, §22-15A-40, §22-15A-41 and §22-15A-42, all relating to establishing a returnable beverage container deposit program"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny and Fleischauer:

H. B. 2348 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2G-1 and §24-2G-2, all relating to the creation and implementation of a fund to encourage the development and use of renewable forms of energy and energy efficiency programs, projects and enterprises"; to the Committee on Government Organization then Finance.

By Delegates P. Smith, Fleischauer, Campbell, Caputo, Poore and L. Phillips:

H. B. 2349 – "A Bill to amend and reenact §49-6-1a of the Code of West Virginia, 1931, as amended, relating to increasing the number of child protective service workers at the Department of Health and Human Resources"; to the Committee on Health and Human Resources then Finance.

By Delegates E. Nelson, Miller, Sobonya, Lane, Gearheart, Anderson and Storch:

H. B. 2350 – "A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to voting procedures; requiring a voter to present an identifying document issued either by the State of West Virginia or the United States government that contains the name, address, and a photograph of the person desiring to vote which the poll clerk must inspect and confirm that the name on the document conforms to the name in the individual's voter registration record and that the image displayed is truly an image of the person presenting the document; permitting the casting of a provisional ballot by a person without adequate proof of identification provided he or she executes an affidavit; permitting the provisional ballot be counted providing certain conditions are met; exempting voters who vote in person at a precinct polling place that is located at a state licensed care facility where the voters are residents; permitting the Division of Motor Vehicles to issue, at no charge, identification cards to persons who will be at least eighteen years of age at the next general, municipal, or special election and intends to use the identification card as a form of identification for

voting; and contains criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Moore, Poore, Fleischauer and Skaff:

H. B. 2351 – "A Bill to amend and reenact §17C-19-3 of the Code of West Virginia, 1931, as amended, relating to authorizing law enforcement to issue a charge by citation instead of prompt presentment before a magistrate when making an arrest for driving with a suspended or revoked license for miscellaneous reasons if a magistrate or judge is not reasonably available"; to the Committee on the Judiciary.

By Delegates R. Phillips, Stowers, Skaff and Boggs:

H. B. 2352 – "A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act for compliance with the mine operator's National Pollutant Discharge Elimination System ('NPDES') Permit where the West Virginia Department of Environmental Protection performs reclamation at a bond forfeiture site; clarifying that reclamation efforts undertaken by the West Virginia Department of Environmental Protection at bond forfeiture sites are considered construction activities; and providing tax incentives for mine operators who reclaim bond forfeiture sites"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates D. Poling, Caputo, Ellem, Longstreth, Skaff and Poore:

H. B. 2353 – "A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to clarifying an exception that allows sheriffs, with the consent of the county commission, to establish additional methods of payment of property taxes"; to the Committee on Finance.

By Delegates D. Poling, Hamilton, Campbell, Ellem and Storch:

H. B. 2354 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating

to requiring onsite employees at certain public works construction projects to complete an Occupational Safety and Health Administration (OSHA) approved 10-hour construction safety program prior to beginning work; civil penalties; and exemptions"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Government Organization.

By Delegates D. Poling, Ellem, Azinger and Anderson:

H. B. 2355 – "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to providing an exemption for the official mascot of Parkersburg South High School, commonly known as 'The Patriot', which would allow the mascot to carry a musket on school grounds when the mascot is acting in his or her official capacity"; to the Committee on the Judiciary.

By Delegates D. Poling, Caputo, Hamilton, Barill and Ellem:

H. B. 2356 – "A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-6-8 of said code, all relating to prohibiting the sale of beer and wine at self-scan registers with application of current penalties associated with other offenses of retail licensees of nonintoxicating beer, beer and wine"; to the Committee on the Judiciary then Finance.

By Delegates Poore, Marshall, Moore, Hamilton, Miley, Longstreth, Caputo, Manchin and Ellem:

H. B. 2357 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8A-6, relating to sexting by minors; requiring Attorney General to develop an educational diversion program; providing rule-making authority; providing criteria to be used by prosecuting attorney for admittance into program; requiring individual prosecuting attorneys to operate program; requiring the West Virginia Prosecuting Attorneys Institute to oversee the administrative procedures for the program; and creating the opportunity to avoid prosecution for completion of the educational diversion program"; to the Committee on the Judiciary then Finance.

By Delegates Fleischauer, Manypenny and Marshall:

H. B. 2358 – "A Bill to amend and reenact §24-2-1e and §24-2-11a of the Code of West Virginia, 1931, as amended, all relating to

prohibiting accelerated rates of recovery for the construction of electric transmission facilities if the construction results in certain adverse effects; requiring an application by a utility for a certificate of need to include a statement of the impact of greenhouse emissions and an analysis of alternatives to the transmission line to be constructed; requiring the commission, when approving an application, to determine whether the line strikes an acceptable balance among competing interests; requiring the commission to deny applications for lines that are visible from or cross within five miles of certain scenic areas; and requiring notices be given"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Marshall, Moore, Perry and Wells:

H. B. 2359 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to the Public Employees Retirement System and the Teachers Retirement System; and providing a one-time supplement for annuitants and survivor beneficiaries after being retired five consecutive years"; to the Committee on Pensions and Retirement then Finance.

By Delegate M. Poling:

H. B. 2360 – "A Bill to repeal §11-1C-5b of the Code of West Virginia, 1931, as amended; to repeal §18-9A-2a of said code; and to amend and reenact §18-9A-2 and §18-9A-11 of said code, all relating to public school support computation of local share; removing provisions for using assumed assessed values for the purpose of computation; removing certain provisions for increasing counties' local share responsibility; revising a definition; making legislative findings on the effect that under assessed property values has on school funding; setting forth the duty of county assessors to accurately assess property taxes; and setting forth the duty of the Tax Commissioner to ensure a thorough and efficient education of the state's children is not to be diminished by the under assessment of property taxes"; to the Committee on Education then Finance.

By Delegates Longstreth and Iaquinta:

H. B. 2361 – "A Bill to amend and reenact §9A-4-2 of the Code of West Virginia, 1931, as amended, relating to including persons who served honorably in the National Guard and Reserves or who were discharged because of a service connected disability in the definition of 'eligible veteran' for certain state training and employment preference benefits"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Fleischauer, Manypenny and Marshall:

H. B. 2362 – "A Bill to amend and reenact §22-11-4 of the Code of West Virginia, 1931, as amended, relating to water pollution control; and requiring the West Virginia Department of Environmental Protection to develop specific standards to control levels of total dissolved solids in the state's rivers and streams"; to the Committee on Government Organization then the Judiciary.

By Delegates Iaquinta and Wells:

H. B. 2363 – "A Bill to amend and reenact §46A-6-102 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-10-6a of said code, all relating to prohibiting fractional pricing in the retail sale of gasoline; and defining that pricing as an unfair method of competition and unfair or deceptive act or practice"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Perry, Reynolds, Skaff, P. Smith, Sumner and Pino:

H. B. 2364 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6, §16-2M-7, §16-2M-8, §16-2M-9 and §16-2M-10, all relating to abortions generally and protecting unborn children who are capable of experiencing pain by prohibiting abortion after twenty weeks post-fertilization except when the mother has a medical emergency and providing for civil remedies and remedies at law; stating legislative findings; definitions; creating felony criminal penalties; and creating

a Special Revenue Fund known as the 'West Virginia Pain-Capable Unborn Child Protection Act Litigation Fund'"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Moore, Marshall and Barill:

H. B. 2365 – "A Bill to amend and reenact §16-9A-9 of the Code of West Virginia, 1931, as amended, relating to banning of flavored tobacco products; and proving criminal penalty"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Marshall and Caputo:

H. B. 2366 – "A Bill to amend and reenact §29-1-8a of the Code of West Virginia, 1931, as amended; to amend and reenact §37-13-2 and §37-13-4 of said code; and to amend and reenact §37-13A-5 of said code, all relating to clarifying procedures for protection of graves and burial sites, clarifying when disturbance is a crime and enhancing the opportunity for public access to cemeteries on private land and for public involvement in petitions to excavate graves"; to the Committee on the Judiciary.

By Delegates Caputo and Swartzmiller:

H. B. 2367 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-50, relating to the establishment of a West Virginia State Trooper's Association leave donation program"; to the Committee on Government Organization then the Judiciary.

By Delegates Caputo, Boggs, Manchin, Stowers and Paxton:

H. B. 2368 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to granting tuition and fee waivers, under certain conditions, for members of the West Virginia State Police to attend a college or university class"; to the Committee on Education then Finance.

By Delegates Iaquinta, Boggs, Azinger, Skaff and Miller:

H. B. 2369 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j,

relating to providing that a living organ donor is exempt from all personal income tax in the taxable year in which the organ transplantation occurs; and defining the term human organ"; to the Committee on Finance.

By Delegates Fleischauer, Iaquinta, Longstreth, Marshall and Manypenny:

H. B. 2370 – "A Bill to amend and reenact §8-22-6 of the Code of West Virginia, 1931, as amended, relating to providing that municipal employees may receive up to two years of retirement service credit for military service during their municipal employment"; to the Committee on Pensions and Retirement then Finance.

By Delegate Romine:

H. B. 2371 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-42-9, relating to prohibiting the performance of any abortion when the woman seeking it is doing so solely on account of the gender of the fetus; prescribing a misdemeanor criminal penalty for violations of the section"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Iaquinta, Fleischauer, Longstreth, Stephens and Azinger:

H. B. 2372 – "A Bill to amend and reenact §30-6-22 of the Code of West Virginia, 1931, as amended, relating to disposition of the remains of a deceased military service member who dies while serving in the United States Armed Forces"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Fleischauer, Skaff and Stowers:

H. B. 2373 – "A Bill to repeal §11-21-22a of the Code of West Virginia, 1931, as amended; to amend and reenact §11-21-22 and §11-21-22b of said code, all relating to personal income tax; creating the West Virginia Earned Income Tax Credit; and authorizing a refundable tax credit based upon the federal earned income tax credit"; to the Committee on Finance.

By Delegates Kump, Rowan and Householder:

H. B. 2374 – "A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8D-2, §61-8D-2a, §61-8D-4a and §61-8D-5 of said code, all relating to eliminating eligibility for parole for the offenses of abuse, neglect or death of an incapacitated adult; eliminating eligibility for parole for the murder of a child by a parent, guardian or custodian by refusal to supply necessities; eliminating eligibility for parole for death of a child by a parent, guardian or custodian by child abuse; eliminating eligibility for parole for child neglect resulting in death; and eliminating eligibility for parole for sexual abuse of a child by a parent, guardian or custodian"; to the Committee on the Judiciary.

By Delegates Ireland and Romine:

H. B. 2375 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2M-1, relating to providing that neither the state nor any county may reimburse any person or entity for transporting any person to schedule, arrange or procure an abortion"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Romine:

H. B. 2376 – "A Bill to amend and reenact §18A-4-3 of the Code of West Virginia, 1931, as amended, relating to increased salary increments paid to principals and assistant principals"; to the Committee on Education then Finance.

By Delegates Caputo, Fleischauer and Marshall:

H. B. 2377 – "A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of annual and incremental salary increases for eligible employees from $60 to $100; changing eligibility from three years of service to one"; to the Committee on Finance.

By Delegates Fleischauer and Marshall:

H. B. 2378 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-5a;

and to amend and reenact §18A-4-15 of said code, all relating to permitting a county superintendent, subject to the approval of the county board, to hire three service personnel workers on a full-time basis as itinerants to meet the day-to-day need for substitutes in the service personnel area; providing that the itinerants shall not count against the county in the calculation of the school aid formula; and providing a provision should the hiring of the three full time substitutes be insufficient to meet the need for substitute service personnel on any given day"; to the Committee on Education then Finance.

By Delegates Moye and Staggers:

H. B. 2379 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-19a, relating to exempting disabled veterans from campground rental fees from the day after Labor Day until four days prior to Memorial Day"; to the Committee on Natural Resources then Finance.

By Delegates Fleischauer, Manypenny, Marshall, Longstreth and D. Poling:

H. B. 2380 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4 and §8-15B-5, all relating to meeting and conference rights for members of police or fire departments employed by political subdivisions; providing for the right of these members to self-organization; allowing designation of an exclusive representative agent; imposing a duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes; listing prohibited acts; allowing hearing before Civil Service Commission; providing judicial review; specifying powers and duties of the Civil Service Commission; and allowing injunctive relief"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Skaff, Swartzmiller and Staggers:

H. B. 2381 – "A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of low-speed vehicles in municipalities; and authorizing a municipality, by

ordinance, to allow the use of low-speed vehicles on roads in that municipality with a speed limit not more than thirty-five miles per hour"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Fleischauer and Marshall:

H. B. 2382 – "A Bill to amend and reenact §29-3-5 of the Code of West Virginia, 1931, as amended, relating to the Fire Prevention and Control Act; providing that all fire alarm systems, including all components, shall be electronically supervised; and providing an exception for existing lodging and rooming houses as defined by the State Fire Code"; to the Committee on the Judiciary.

By Delegates Perdue and Moore:

H. B. 2383 – "A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-15-4k; to amend said code by adding thereto a new section, designated §33-16-3w; to amend and reenact §33-16E-2 of said code; to amend said code by adding thereto a new section, designated §33-24-7l; to amend said code by adding thereto a new section, designated §33-25-8i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating to requiring all insurers, health care organizations, hospital medical corporations and health maintenance organizations that offer maternity coverage in their health care plans to provide that maternity coverage to all persons receiving coverage under the plans; and requiring health insurance plans that include a prescription drug plan to cover contraceptive services for all individuals participating in or receiving coverage under that plan"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Staggers and Fleischauer:

H. B. 2384 – "A Bill to amend and reenact §16-5O-2, §16-5O-3 and §16-5O-4 of the Code of West Virginia, 1931, as amended, all relating to permitting unlicensed personnel to administer medications in certain circumstances; clarifying the definitions of terms; and

providing exemptions from licensure"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ireland, L. Phillips, R. Phillips and Storch:

H. B. 2385 – "A Bill to amend and reenact §30-10-10 and §30-10-11 of the Code of West Virginia, 1931, as amended, all relating to the requirements for and scope of practice for registered veterinary technicians"; to the Committee on Government Organization.

By Delegates Hamilton and Canterbury:

H. B. 2386 – "A Bill to amend and reenact §61-3-39c of the Code of West Virginia, 1931, as amended, relating to the dishonor or refusal to pay checks, drafts and orders presented for payment; and setting forth the reasons that must be identified when a refusal is made by a drawee"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Marshall and Moore:

H. B. 2387 – "A Bill to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Fair Housing Act; defining the term 'assistance animal'; replacing the term disability with the term handicap; requiring a person with a disability who requests a reasonable accommodation to provide supporting material documenting the need for the assistance animal; providing exceptions; and imposing a liability provision"; to the Committee on the Judiciary.

By Delegate Caputo:

H. B. 2388 – "A Bill to amend and reenact §18-5-16 of the Code of West Virginia, 1931, as amended, relating to granting the State Superintendent of Schools, under certain circumstances, the authority to designate a geographical area as a school choice zone and permitting a student residing in that zone to transfer from the sending county to the receiving county"; to the Committee on Education then Finance.

By Delegates Manypenny and Fleischauer:

H. B. 2389 – "A Bill to amend and reenact §8A-12-2 of the Code of West Virginia, 1931, as amended, relating to requiring county

commissions to adopt and implement county farmland protection programs"; to the Committee on Government Organization then the Judiciary.

By Delegate Cadle:

H. B. 2390 – "A Bill to amend and reenact §61-7-11a and §61-7-14 of the Code of West Virginia, 1931, as amended, all relating to dangerous weapons; and providing that a teacher who holds a valid license to carry a concealed deadly weapon may carry the concealed weapon on the school property for the protection of students and school employees, if the county board of education of the county in which the teacher is employed approves that person in writing"; to the Committee on Education then the Judiciary.

By Delegates Williams, Campbell, Moye, Perdue, Pino and Ellington:

H. B. 2391 – "A Bill to amend and reenact §16-5C-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that actions brought for damages for injuries suffered in a nursing home are subject to the same liability limitations as other medical professional liability actions"; to the Committee on the Judiciary.

By Delegate Fleischauer:

H. B. 2392 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to the creation of an equal pay coordinator within the Division of Personnel to ensure pay equity among state employees; making legislative findings; providing qualifications for the position; providing powers and duties of coordinator; providing for the development of a strategic plan to ensure pay equity in state government; authorizing other agencies to share necessary information with the coordinator; and providing rule-making authority"; to the Committee on Government Organization then Finance.

By Delegate Fleischauer:

H. B. 2393 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-17a,

relating to making it a criminal offense for any person to intentionally interfere with or prevent an individual from calling for the assistance of emergency service personnel; defining terms; and establishing penalties"; to the Committee on the Judiciary then Finance.

By Delegate Fleischauer:

H. B. 2394 – "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to the appointment and salary of the Executive Director of the Women's Commission"; to the Committee on Government Organization then Finance.

By Delegates Williams, Campbell, Moye, Perdue, Pino and Ellington:

H. B. 2395 – "A Bill to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to senior services; the in-home care registry; eliminating the requirement of a rule established fee schedule; and permitting the Bureau of Senior Services to determine whether an applicant needs to obtain a state or federal criminal background check"; to the Committee on Senior Citizen Issues then Government Organization.

By Delegates Howell, Walters, Pasdon, Kump, Ashley, Campbell, Moore, Barill, Lawrence, P. Smith and Storch:

H. B. 2396 – "A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to eliminating the motor fuels tax on heating oil for residential use by eligible seniors"; to the Committee on Senior Citizen Issues then Finance.

By Delegates Manchin and Lawrence:

H. B. 2397 – "A Bill to amend and reenact §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to authorizing a county commission to temporarily fill vacancies in the offices of the clerk of the county commission, prosecuting attorney, sheriff, assessor and county surveyor; and permitting the temporary successors to serve a maximum of thirty days"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Perry:

H. B. 2398 – "A Bill to amend and reenact §18-5-4 and §18-5-5 of the Code of West Virginia, 1931, as amended, all relating to county boards of education generally; providing for disclosure of personal and pecuniary interests and recusal from voting; prohibiting individual board members from acting on behalf of the board in an individual capacity unless authorized by statute; and providing that a violation by a member of a board member may constitute malfeasance warranting the removal of the member from office"; to the Committee on Education then Finance.

By Delegates D. Poling, Anderson, Manypenny, Guthrie, Ireland, Ellem and Swartzmiller:

H. B. 2399 – "A Bill to amend and reenact §7-10-4 of the Code of West Virginia, 1931, as amended, relating to protecting livestock in dire or extreme condition"; to the Committee on Agriculture then the Judiciary.

By Delegate P. Smith:

H. B. 2400 – "A Bill to amend and reenact §15-12-5 of the Code of West Virginia, 1931, as amended, relating to disclosure of sex offender registration to public and private elementary and secondary schools and institutions of higher education where the registrant is employed or attends school"; to the Committee on Education then the Judiciary.

By Delegates P. Smith, Miller, Morgan, Stephens and Reynolds:

H. B. 2401 – "A Bill to amend and reenact §27-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to reimburse the circuit clerk of the county for expenses of filing, postage and copies of involuntary commitment hearings"; to the Committee on the Judiciary then Finance.

By Delegates Boggs, Campbell, Iaquinta, Jones, Longstreth, Diserio and Swartzmiller:

H. B. 2402 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting certain income of disabled military veterans who have suffered a hundred

percent total and permanent military service-connected disability from state personal income tax, for tax years beginning after December 31, 2013"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates M. Poling, Perry, Moye, Lawrence and Paxton:

H. B. 2403 – "A Bill to amend and reenact §18C-4-2 of the Code of West Virginia, 1931, as amended, relating to creating a separate category within the Underwood-Smith Teacher Scholarship Program for scholarships and loan repayment assistance for teaching in high demand teaching fields; application of other provisions of article; limitations on eligibility; definitions; scholarship and grant agreements terms; application of other benefits available; application for repayment assistance; preferences for awards; residency requirements; program promotion; and providing for listings of certain job postings to be made available to recipients and appropriate job placement offices"; to the Committee on Education then Finance.

By Delegates Fleischauer, Marshall, Pasdon and Storch:

H. B. 2404 – "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to increasing the number of municipalities that may participate in the Municipal Home Rule Pilot Program; providing that if the two legislative members of the Municipal Home Rule Board permit designees to sit in their place, those persons sit *ex officio*; and extending certain deadline dates"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Kump, Canterbury and Howell:

H. B. 2405 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2c, relating to the redistricting of the House of Delegates into one hundred single member districts after the 2020 census"; to the Committee on the Judiciary then Finance.

By Delegate Skaff:

H. B. 2406 – "A Bill to amend and reenact §22-1-8 of the Code of West Virginia, 1931, as amended, relating to the Department of

Environmental Protection; and requiring the supervisory officers of the offices within the Department of Environmental Protection to monitor litigation challenging state statutes affecting the production of natural resources in West Virginia"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Ellem:

H. B. 2407 – "A Bill to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to crimes and their punishment; shoplifting; penalties; and eliminating the third offense conviction of shoplifting and its corresponding felony penalty"; to the Committee on the Judiciary then Finance.

By Delegates Fleischauer, Marshall and Longstreth:

H. B. 2408 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-22a, relating to requiring all state boards, commissions, committees or councils to be gender balanced and to have proportionate representation of minorities in the state"; to the Committee on the Judiciary.

By Delegates Miley, Manchin, Longstreth, Barill and Jones:

H. B. 2409 – "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §49-6-9a, relating to permitting a family court judge to order a child who is in imminent danger to be taken into emergency custody by the Department of Health and Human Resources; setting forth the procedure to be used; setting forth where that child may be housed; setting forth time limitations and other requirements; and requiring notifications"; to the Committee on the Judiciary then Finance.

By Delegates Boggs and Moore:

H. B. 2410 – "A Bill to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-17A-5 of said code, all relating to insurance; property insurance declination; cancellation or nonrenewal of automobile liability policies; prohibiting declination, cancellation or nonrenewal of a property

insurance policy, based upon information that an insured had a loss or damage to insured property when the insured does not file an insurance claim; and prohibiting cancellation or nonrenewal of an automobile liability policy based upon information that an insured was involved in a motor vehicle accident with another motor vehicle when neither the insured or other person files an insurance claim"; to the Committee on the Judiciary.

By Delegates Boggs and Campbell:

H. B. 2411 – "A Bill to amend and reenact §31-15A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto sixteen new sections, designated §31-15A-9a, §31-15A-9b, §31-15A-10a, §31-15A-11a, §31-15A-12a, §31-15A-13a, §31-15A-14a, §31-15A-15a, §31-15A-17c, §31-15A-18a, §31-15A-19a, §31-15A-20a, §31-15A-21a, §31-15A-22a, §31-15A-23a and §31-15A-24a, all relating generally to development of broadband middle mile infrastructure in the state; defining new terms; creating a separate infrastructure fund for broadband middle mile infrastructure projects; providing for deposits and expenditures; setting forth additional powers to Infrastructure and Jobs Development Council and Water Development Authority; creating a committee to advise Infrastructure and Jobs Development Council on disposition of applications for grants and loans; providing a process for review of applications by Development Office; requiring notice of public hearing on applications for grants and loans; providing for hearings and public comment period; creating the Infrastructure Fund for Broadband Middle Mile Infrastructure Revenue Debt Service Fund; providing for the disposition of funds on termination or dissolution of the authority; providing that broadband middle mile projects funded by authority are public improvements; authorizing the issuance of broadband middle mile revenue bonds; creating the Broadband Middle Mile Infrastructure Debt Service Fund; providing for funding of debt service fund; specifying the requirements for the issuance of bonds; providing for contents of trust agreement and trustee for bonds; specifying the remedies available to bondholders, noteholders and trustee; making broadband middle mile infrastructure revenue bonds lawful investments; providing for purchase, cancellation and refunding of

bonds; and declares that bonds are not state debts and are exempt from taxation"; to the Committee on Finance.

By Delegates Moore and Reynolds:

H. B. 2412 – "A Bill to amend and reenact §46A-2-106 of the Code of West Virginia, 1931, as amended, relating generally to the notice of a default and consumer's right to cure a default; lengthening the time period during which a default may be cured; requiring the creditor to accurately state the amount owed; requiring the creditor to state that the amount is also legally due; requiring the creditor to certify the date when the notice to the borrower's right to cure the default was sent; and establishing penalties"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Boggs, Moore, Barill, L. Phillips, Jones and P. Smith:

H. B. 2413 – "A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a, of the Code of West Virginia, 1931, as amended, all relating generally to the magistrate court system; providing compensation for magistrates, magistrate assistants, magistrate court clerks and magistrate court deputy clerks; and authorizing judges to appoint magistrate court clerks in certain circumstances"; to the Committee on the Judiciary then Finance.

By Delegates Morgan, Williams, Stephens, D. Poling and Moye:

H. B. 2414 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-18a, relating to a municipality conveying property to a nonprofit"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates M. Poling, P. Smith and Campbell:

H. B. 2415 – "A Bill to amend and reenact §18-9A-9 of the Code of West Virginia, 1931, as amended, relating to changing how the public school support foundation allowance for current expense and substitute employees is determined; basing a county's foundation allowance on state-wide operation and maintenance costs; and

adjusting that allowance for net student population and county density"; to the Committee on Education then Finance.

By Delegate Guthrie:

H. B. 2416 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9D-22, relating to authorizing the School Building Authority to award grants or moneys to county and local library boards in connection with public library construction projects, from any funds appropriated by the Legislature; defining "public library construction project"; requiring a demonstration of county or local effort and fund-raising before grants or moneys may be awarded for a public library construction project; describing what costs may be paid by the School Building Authority; setting forth additional powers of authority concerning construction projects; and authorizing the authority to establish guidelines and procedures for the award of grants or moneys for public library construction projects"; to the Committee on Education then Finance.

By Delegates Guthrie and Boggs:

H. B. 2417 – "A Bill to amend and reenact §5B-2-3 of the Code of West Virginia, 1931, as amended, relating to creating a catalyst to assist communities with strategic and feasibility plans, marketing analysis, environment impact statements and architectural and engineering costs"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Boggs, Moore, Miley, Azinger and A. Evans:

H. B. 2418 – "A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to requiring the Public Employees Insurance Agency to advertise that it is seeking contract bids prior to accepting bids for those contracts; requiring the Public Employees Insurance Agency to give potential bidders thirty days to submit a bid; requiring Public Employees Insurance Agency contractors who seek to subcontract out a portion of a contract to advertise that it is seeking bids prior to awarding the subcontract; and requiring those contractors to give potential bidders thirty days to submit a bid"; to the Committee on Finance.

By Delegate Manypenny:

H. B. 2419 – "A Bill to amend and reenact §22-3-9 and §22-3-13 of the Code of West Virginia, 1931, as amended, all relating to dual liner requirements in new coal-waste impoundments, new coal-waste impoundments at existing facilities, replacement coal-waste impoundments at existing facilities and lateral coal-waste expansions of existing impoundments; and requiring the Director of the West Virginia Department of Environmental Protection to promulgate rules for liners in these surface, coal-waste impoundments including that no impoundment may be situated closer than three miles upstream from any incorporated town of fifteen hundred population or more; and providing abatement procedures"; to the Committee on the Judiciary then Finance.

By Delegate Perry:

H. B. 2420 – "A Bill to amend and reenact §9-5-18 of the Code of West Virginia, 1931, as amended, relating to permitting funeral directors to decide the type of services that will be rendered for the amount paid by the Department of Health and Human Resources for funeral expenses for indigent persons, including cremation; requiring a funeral director to make a reasonable effort to give notice to the next of kin if he or she elects to provide for the disposition of the human remains by cremation; permitting the funeral director to proceed with cremation if the next of kin does not pay the difference between the cost of cremation and the cost of the type of service the next of kin desires; requiring a funeral director to execute an affidavit setting forth the efforts made to notify the next of kin concerning the intent to cremate the remains of an individual; establishing a criminal penalty for making a false affidavit; and prohibiting a cremation from taking place sooner than twenty-four hours after the funeral director has received a body"; to the Committee on Health and Human Resources then Finance.

By Delegates Boggs and Guthrie:

H. B. 2421 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1A-6,

relating to establishing the Forest Product Fairness Act"; to the Committee on Natural Resources then the Judiciary.

By Delegate Boggs:

H. B. 2422 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing an additional decreasing modification reducing federal adjusted gross income for income earned by military personnel and their spouses during a period of service in an area of armed conflict"; to the Committee on Finance.

By Delegate Boggs:

H. B. 2423 – "A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended, relating to allowing county fire companies and departments to charge reasonable reimbursement fees for personnel and equipment used in performing fire fighting services, victim rescue or cleanup of debris or hazardous materials by department personnel without county commission approval, unless otherwise restricted by a county ordinance addressing the reimbursement"; to the Committee on Political Subdivisions then Finance.

By Delegates Boggs, Ellem, Ferro and Miley:

H. B. 2424 – "A Bill to amend and reenact §41-1-6 of the Code of West Virginia, 1931, as amended, and to amend and reenact §42-1-1 of said code, all relating to automatic revocation of a will upon legal separation and excluding from the definition of "surviving spouse", for purposes of descent and distribution, a person who is a party to a decree of legal separation"; to the Committee on the Judiciary.

By Delegates Boggs, Guthrie, Moore, Moye, Pethtel, Poore, Stephens and Sumner:

H. B. 2425 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing an increase to all annuitants of

the Public Employees Retirement and Teachers Retirement Systems"; to the Committee on Pensions and Retirement then Finance.

By Delegates P. Smith, Boggs, Miley, Skaff, Moore, Poore and L. Phillips:

H. B. 2426 – "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to designating the first Thursday in May the West Virginia Day of Prayer"; to the Committee on Government Organization.

By Delegates Howell, Ireland, Storch, R. Phillips, Hamilton, Sumner, Rowan, Gearheart and Kump:

H. B. 2427 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-26-1, relating to regulation of firearms, firearms accessories and ammunition"; to the Committee on the Judiciary.

By Delegate Miller:

H. B. 2428 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-29, relating to the Community Corrections Performance Incentive; intent; providing definitions; calculation of state prison savings by the West Virginia Supreme Court of Appeals; providing for performance incentive funding; use of funds; and reports to be provided"; to the Committee on the Judiciary then Finance.

By Delegate Craig:

H. B. 2429 – "A Bill to amend and reenact §22A-1-1 and §22A-1-31 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §22A-12-1, §22A-12-2, §22A-12-3, §22A-12-4, §22A-12-5, §22A-12-6, §22A-12-7, §22A-12-8, §22A-12-9, §22A-12-10, §22A-12-11, §22A-12-12, §22A-12-13 and §22A-12-14; and to amend and reenact §23-4-2 of said code, all relating generally to the creation and implementation of drug-free workplaces in coal mines; requiring Office of Miners' Health Safety and Training to ensure drug-free workplaces in the mining industry; adopting procedures for the suspension or revocation of miners'

certification upon proof of confirmed positive drug tests; requiring breach of duty hearings to be held within twenty days; establishing process and conditions for reissuance of miners' certification; authorizing Director of Office of Miners' Health Safety and Training to require all operators to adopt drug-free workplaces programs at coal mines; assessment of fee for costs; requiring employers to pay for cost of drug tests for employees; providing for definitions; requiring all companies providing safety-sensitive services to mine operators to have drug-free workplace program for certain employees; providing immunity from wrongful discharge lawsuits for employers who implement program; implementing process for drug testing and appellate procedure; permitting the Office of Miners' Health Safety and Training to require drug and alcohol test in serious mine accidents of certain persons; requiring alcohol and drug tests on all mine fatalities; requiring applicants for additional certifications to be certified drug free; ensuring substance abuse training; requiring minimum level of alcohol and substance abuse training and proof of being drug and alcohol free for certification; requiring proof of drug and alcohol free for applicants as apprenticeship miner or miner certification; requiring Office of Miners' Health Safety and Training to provide drug testing program for apprentices; providing for cost reimbursement or acceptance of results of certain other drug tests; providing for confidentiality of drug test results and exemption from the West Virginia Freedom of Information Act; allowing for release by consent or compulsion by court order; establishing relevancy to legal claim asserted by applicant; prohibiting use of results in criminal proceedings against applicant; requiring substance abuse awareness training for emergency medical services personnel in mines; providing for severability; and modifying rights of certain employees to receive indemnity benefits and common law right to sue where accident proximately caused by employee's intoxication"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Manypenny, Guthrie, Canterbury and Hartman:

H. B. 2430 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-9a,

relating to exempting the construction or addition of active solar energy systems from real and personal property taxation; defining terms; providing a partial exclusion for certain equipment; and determining who may claim the exemption"; to the Committee on the Judiciary then Finance.

By Delegates R. Phillips, Cowles, Hunt, Marcum, Moye, Pethtel and Stowers:

H. B. 2431 – "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to the application process for obtaining a state license to carry a concealed deadly weapon"; to the Committee on the Judiciary.

By Delegate Miller:

H. B. 2432 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-13-24, relating to requiring that any new or increase to municipal taxes or fees must be for a specific purpose; requiring that the revenue may only be spent for that specific purpose; providing a time limitation with a renewal option; and providing for a surplus"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Perdue, Lawrence, Marshall, Moye, Poore, Ferns, Ellington and Rowan:

H. B. 2433 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to the Department of Health and Human Resources and Medicaid; requiring the coverage by Medicaid of dental services for the mother of a child who is the recipient of Medicaid services; and providing that coverage be for two years after the birth of an eligible child"; to the Committee on Health and Human Resources then the Judiciary.

At 12:26 P.M., on motion of Delegate Boggs, the House of Delegates recessed until 6:50 P.M., and reconvened at that time.

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EVENING SESSION

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At the request of Delegate Boggs, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for the day in order to extend the privileges of the floor to invited guests for this evening's proceedings.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 3, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

JOINT ASSEMBLY

The Speaker recognized the Doorkeeper, who announced the members of the Board of Public Works, who were escorted to the places reserved for them.

The Doorkeeper next announced Chief Justice Brent Benjamin, Justice Ketchum and Justice Loughery of the West Virginia Supreme Court of Appeals, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Doorkeeper then announced the Honorable Jeffrey V. Kessler, President, and members of the Senate, who entered the Hall of the House of Delegates.

The Speaker invited the President to be seated to his right and the other members to be seated in the places reserved for them in the Well of the House.

The Doorkeeper then announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Campbell then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Clerk's Desk. (Applause, the members and guests rising in ovation)

The Speaker then presented the Honorable Earl Ray Tomblin, who addressed the assembly as follows:

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ADDRESS BY THE GOVERNOR

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GOVERNOR. Mr. Speaker, Mr. President, Members of the Board of Public Works, Justices of the Supreme Court of Appeals, Members of the State Board of Education, Members of the Legislature, distinguished guests, and my fellow West Virginians:

In 1921, when architect Cass Gilbert drew the plans for our State Capitol, he put time and attention into every detail of this beautiful structure. He incorporated lavish trimmings of priceless gold, rare crystals, and strong Limestone to signify the "natural wealth found in the people of West Virginia."

This "natural wealth" is visible in almost every inch of this capitol, including the house and senate chambers. Above our heads, you can see the bronze-colored plaster leaf arrangements representing West Virginia's hardwoods. Also above, lining the frieze, you see eagles carved into the structure. The wings—symbolizing protection, are gathered and prepared to take flight. In the Senate Chamber, the eagles' wings are rising – and in position – ready to take action.

Tonight, we come together to do the task the people of West Virginia expect of us: To prepare for our future by taking action. We should take action to keep our families safe. We should take action to create a business climate for good-paying jobs. And, we should take action to build upon opportunities for the next generation.

I'm excited about the state of our State. Working together, we've accomplished great things, and as I stand before you here this evening we are well-positioned to do so much more.

Tonight I present to you a plan—a plan to make this great State even greater for future generations. The plan I'm presenting is a strategy for making State government better and smarter. It's a plan to tackle some of our most critical issues. And, it will ensure our financial house remains in order and continues to keep us moving forward as we build upon our accomplishments.

During the last regular session, we took action that made West Virginia a safer, better place. Because of our work, texting while driving is now illegal and on July 1st talking on a hand-held phone while driving will be against the law. We've kept our promise to make eliminating substance abuse a top priority – and now – laws are on the books to shutdown "pill mills" and stop "doctor shopping." We listened to our communities and invested in drug treatment programs – and we told those who need free job training that they must pass a drug test – first. We are building a registry online to help make our seniors safer and give West Virginia families the peace of mind they deserve when they are looking for a caregiver for a family member. We've lowered taxes for our families and our businesses. Taxes will go down by $40 million this year alone. (Applause) We told families of children with autism – and teens who were struggling with the thought of suicide—you are important to us. And we dealt with our State's last unmanaged, unfunded liability, with the passage of the OPEB bill. (Applause) Together, we put a plan in place to pay down this last unfunded liability.

Our State has worked hard to foster job creation by cultivating an environment where employers can offer good paying jobs. Our hard work is paying off. Last year, we celebrated as Gestamp, an $8-billion dollar company, re-opened the South Charleston Stamping Plant. This international company is investing more than $100 million in West Virginia and in the future of hundreds of workers, like Andrew Blatt.

Andrew is a 24-year old Cross Lanes native and an engineering graduate of West Virginia University Institute of Technology. Andrew is overseeing Gestamp's new $22 million dollar laser cutting project. Tonight, I'm happy to be joined by Andrew and another Gestamp employee David Underwood. David, along with all of us, is excited to see this South Charleston landmark revived again. Andrew and David, please stand and let us thank you for showing the world that West Virginia has an outstanding workforce, and that the Mountain State is an amazing place to do business. (Applause)

West Virginia has created opportunities to welcome international companies like Gestamp by establishing clear rules and lowering the cost of doing business. And while we have achieved success, we have more work to do.

Too many people have stopped looking for work, and too many people are unemployed. Not only do we continue to feel the effects of a worldwide recession, but significant declines in the production of coal have battered West Virginia's economy. This, in turn, has resulted in declining tax revenues and employment.

As leaders of our State, we have a responsibility to fight for jobs, to foster job creation, and to be good stewards of taxpayer resources. We must continue to keep our taxes and cost of doing business low, and this is particularly true when times are tough.

It all starts with our obligation to adopt a budget for the State of West Virginia. Mr. Speaker, Mr. President, the budget I present to you is balanced, with no new taxes. (Applause)

This time last year, we predicted a deficit that totaled nearly $400 million. Staying true to the hallmark of our fiscal responsibility, my administration began the task of closing that shortfall. Unlike the federal government, we did not kick the can down the road by borrowing money or allowing deficits to mount. We told our agencies, almost a year ago, to do more with less. We challenged them to be smart, be efficient, and be prepared to cut their budgets. In tightening our belts, we realized that some of our programs and services should not face budget reductions.

The budget I present does not cut any scholarship programs, including the PROMISE Scholarship (Applause), and it does not cut state aid to our public schools. (Applause)

Our budget does not take money away from mine safety programs. (Applause) It does not cut Medicaid or the State Police. (Applause) While we protected these services, we asked other areas in State government to make a 7.5 percent targeted reduction, allowing us to cut over $75 million from our State's budget, including over $450,000 from my own budget in the Governor's Office. These reductions are not easy, but they are the right thing to do—for future generations.

In addition to these cuts, we examined our accounts in state government. We identified over $135 million in unused monies that can be re-directed and used to meet our obligations in the coming year. While our economy recovers and revenues get back on track, I'm proposing we use these monies, along with almost $140 million in accrued and expected surplus money, to balance the budget for next year.

Balancing our budget sends the right signal to businesses—that West Virginia is stable. But we must do more. We must continue to focus on job creation, lowering the cost of doing business, and eliminating inequities in our system. We also need to help our small businesses. As we know, sometimes it's simple fixes that make the biggest difference.

Under our law, employers are required to pay employees within 72 hours after leaving or face significant damages and lawsuits. Small businesses do not need the hassle of re-running payroll every time an employee moves on. Employers should be permitted more flexibility to pay these employees. It's a simple fix – but it's one that will make a big difference to our small businesses.

West Virginia also needs to identify and remediate land available for development. West Virginia has a strong history in manufacturing and mining, and a number of unused sites have great potential for future development. So tonight, I propose the State form a public non-profit corporation to identify, promote, and oversee programs that will foster economic development and environmental remediation. Working together, we can put these sites back to use in West Virginia.

We also need to find innovative and creative ways to enhance our infrastructure. And while we have a Blue Ribbon Commission examining our road system, one thing I know we must do now is explore and foster public private partnerships to develop our roads.

In 2008, the Public-Private Partnership Act was passed and signed into law. The Act allowed the West Virginia Division of Highways to partner with a private company on the design and construction of otherwise public transportation facilities. This current structure, however, has limited usefulness.

Tonight, I'm proposing legislation to make the Act permanent and streamline the approval requirements to allow the Commissioner of Highways the flexibility to enter into these public-private partnerships. This will allow us to take greater advantage of this innovative tool for the construction of infrastructure. (Applause)

We cannot talk about jobs in West Virginia without talking about our energy sector—the long-standing foundation of our economy.

As one of the nation's top energy producing states, West Virginia shoulders a lot of the responsibility when it comes to fueling our State and our Nation. Together, members of our energy sector share this responsibility to increase energy independence. We are making the most of the opportunities associated with our abundant natural gas, and we are working with the private sector to take advantage of our natural gas resources by converting more vehicles to compressed natural gas. We also cannot forget an industry that has been an integral part of West Virginia—and that is our coal industry. This industry continues to enable West Virginia to be a national leader. The dedication of coal miners is the work that built our State and the work that sustains it. I believe in the production of coal, its value to our country, and I will continue to do everything that I can to fight the EPA and its misguided attempts to cripple this industry. (Applause)

As important as the energy industry is to our economy in West Virginia, there is something more important, more important for our future, more important for our economy, and more important for creating good-paying jobs—and that is education. (Applause)

I am from Chapmanville in Logan County, a coal town where hard work and long hours provided many families with good incomes. My parents saw to it that I received a great education in high school and at WVU and Marshall. I was the first person in my family to receive a college degree, and I know I would not be standing before you today without it. Every child in West Virginia deserves this same opportunity.

I want to speak to all parents in West Virginia tonight. You are the greatest cheerleader your child will ever have. Please take their education seriously and help them realize their potential—there is no greater force for educational achievement than a dedicated parent. (Applause)

I will work with the Department of Education, the courts, and DHHR to coordinate our truancy reduction efforts—because every child should have an opportunity to achieve greatness.

The release of our Education Efficiency Audit has stirred discussion and reaction. We have studied every aspect of the audit and reviewed responses from our citizens, from community groups like A Vision Shared, the State Chamber of Commerce, and our valued teacher representatives. We have learned so much.

First, we learned that there are numerous good things about our education system. We have countless examples of not just good but great teachers in West Virginia. We have one of those teachers joining us here tonight from Hardy County. Michael Funkhouser, who teaches English in the Eastern Panhandle, is one of the great educators who works within our school system. Michael, please stand as we congratulate you on being named our 2013 West Virginia Teacher of the Year. (Applause)

I also want to thank President Yogi Suzuki and Millie Marshall from West Virginia Toyota Motor Manufacturing and Fred Earley and Cathy McAlister from Highmark Blue Cross Blue Shield for your long-standing commitment of celebrating our West Virginia teachers. Please stand so we may thank you. (Applause)

We also learned our State is full of bright children who want to learn. Earlier this year a first-grader from Pleasants County named Ben called my office—all on his own. Ben wanted to inform me about continued traffic delays between his home and school. Ben wanted to make sure I knew, and I quote, "First grade is a pretty big deal – and kids need to be on time for school. This isn't kindergarten, you know." (Applause) Ben wanted to get to school, and get to school on time.

Just like Michael and Ben, there are other positive things we can say about our education system: like having an improved teacher evaluation program, high ranks for funding and equity, and a nationally recognized 4-year old preschool program.

Even with all the good things happening in our schools our student achievement is falling behind–and that is not acceptable.

Education Week, in its annual survey, Quality Counts, gave us an F for student achievement, ranking us 49th nationally. That is not acceptable.

The only true national test, the National Assessment of Educational Progress, ranks us below the national averages in 21 of 24 categories, and many of our scores have slipped lower over the past decade. That is not acceptable.

Our graduation rate is only 78 percent which means almost 1 in 4 high school students do not graduate on time. That is not acceptable.

We have the highest percentage of young people ages 16 to 19 not engaged in school or the workforce. That is not acceptable.

Education in West Virginia must change. And that change begins now.

This change must begin with our youngest children. Through the 3rd grade, children learn to read. And after 3rd grade, children read to learn. If a child cannot read at grade level by the end of the 3rd grade, bad things happen. They will remain poor readers in high school, and they will be more likely to become high school dropouts. Thirty-five percent of children in poverty who aren't strong readers by the end of 3rd grade do not graduate on time. We can make sure every child can read at grade level by the end of the 3rd grade by:

First, working with our State Board of Education, we will ensure every new elementary teacher is specially trained in reading. We also must make sure all current elementary teachers are prepared to helping all students learn to read.

Second, although our 4-year-old kindergarten program has high ratings, only 68 percent of eligible students attend. I will introduce legislation requiring every county, within 3 years, to offer full-day 4-year-old preschool. (Applause)

Third, I will support the efforts of the Benedum Foundation to help establish a process for defining, once and for all, the components and costs of a quality "birth through 5 program". (Applause)

And finally, because of declining federal dollars, we have a shortfall in childcare subsidies. Access to childcare not only assures young children receive quality early childhood development, but it helps parents keep their jobs. I believe in this program, and for that reason, I propose a supplemental appropriation of $17 million to preserve the current program. (Applause)

We want our youngest children to read on grade level by the end of the 3rd grade. But this is just a start. We also are working hard to ensure every child who wants to attend college is prepared to do so—but not everyone is destined for college. In fact, many of the best-paying jobs now, and in the future, will require skills our vocational schools should provide.

We know most students who decide to drop out of school make the decision in middle school. They decide to drop out because they have not made a connection between their education and getting a job.

Most students learn best through real hands-on experiences—which is not what the current academic model offers.

There are a number of actions we can take to engage more of our students at an earlier age. First, all students should be motivated to stay in school and be prepared for a good job. Workforce education should begin in middle school and more vocational training should be made available to students not planning to attend college.

Second, we need to make sure our students understand the opportunities available for good jobs in our State. Some of our largest employers tell me they want to meet with our students, and share with them what they need to do to be prepared to

secure a good job. In order for our students to understand their opportunities, they should have access to counseling from our community and technical college staff and be engaged with employers who are prepared to hire qualified graduates.

Finally, quality vocational courses that prepare students to meet the high demands of today's job market must be a part of every school curriculum. (Applause) To assure the needed quality, we must require every vocational school to have at least one program that meets the rigorous requirements of the "Preparation for Tomorrow" program of the Southern Regional Education Board. Whether it is Mechatronics in the Eastern Panhandle, Flooring in Central West Virginia, or Drilling in the Northern Panhandle, we will insist on quality certified programs.

If our schools prepare students for college and a career, every graduate will be ready to go to work in West Virginia. (Applause)

More than two decades of research show the indisputable connection between teacher quality and student achievement. The overwhelming majority of our teachers do an outstanding job in their classrooms, but we must guarantee every student is taught by a great teacher. West Virginia is already blessed with almost 700 teachers who have earned National Board Certification in their areas of expertise and that number continues to grow.

Our State rewards teachers who seek and gain initial National Board Certification, but we do not provide the same rewards for those who re-apply at the end of their ten-year certification. That must change. And the State will pay for teachers who seek re-certification. (Applause) Education for our teachers does not end when they enter the classroom for the first time. Quality professional development for our classroom teachers must be provided on a continual basis. Governors and legislators have struggled over the years to make sense of our system of professional development for teachers.

The Education Audit found, and few would disagree, that our current system remains inefficient and ineffective. The State

Board of Education should have the flexibility to oversee professional development. However, it should be delivered at the local level. Teachers should have a say because they know what critical skills they need to become successful in the classroom. Good training and professional development are critical elements for having great teachers in our classrooms. But they are not the only ones. Current hiring practices in our State do not guarantee the best teacher is the one actually selected for the job. In fact, in many cases, it prevents otherwise good teachers even from qualifying for the job.

The State Board of Education currently is developing a new system of accreditation, so all schools will be held to higher standards. If we are going to make schools more accountable for their results, we must give teachers and principals a greater role in selecting the colleagues with whom they will share that responsibility. Our laws should require that superintendents give more credence to recommendations from principals and teachers about who they believe is best qualified to raise student achievement. In the end, it is not about the adults, it is about the kids. (Applause)

Additionally, seniority always must be an important consideration, but seniority should not be the only decisive or controlling action of hiring practices. Other qualifications must count as well.

Finally, there are areas of critical need in West Virginia where qualified teachers are not available to hire, especially in the subjects of science, math and foreign languages. Where qualified teachers can be hired, there is no need for programs that provide these alternatives. But where we are unable to staff our schools with qualified teachers, we must make every effort to provide our students with the best possible teacher.

The Education Audit found no other State has so many laws that limit local initiatives including districts, principals, and teachers. There is no area where this is more pronounced than our school calendar. It has been the goal of Governors and Legislators for decades to assure our students have adequate

instructional time. But it's just not happening. There are a number of reasons this does not occur, including the restrictions in State Code that provide little flexibility for school boards and communities to establish school calendars that meet their needs while guaranteeing adequate time.

As an example of the type of things we need to change in our Code, under current law, a snow day counts as an instructional day. We need to get back to a place of common sense in our approach to education. Otherwise, we will never get to an adequate level of instructional time. Instead, we will be stuck, like we were last year, where our students only averaged 170 days of instructional time.

Several schools in West Virginia already have addressed this problem by going to a balanced calendar. They have found students remember more, they have more time for enrichment and remediation, more opportunities to get a good meal, and teachers are less likely to become burned-out. Let me be clear, my bill will not impose a new calendar on any school. It simply will free our local boards of education, in consultation with staff and the community, to design a calendar meeting the needs of adequate instructional time.

Beyond the school calendar, there are other issues we must consider. Over the past 30 years we have seen a 26 percent decrease in student population. I believe the community, especially parents, should always have access to locally elected officials who oversee their schools. But that does not mean we can and should provide all the current administrative overhead to each of our 55 county school boards. We must become more efficient.

Finally, we must have a comprehensive and consistent way to integrate technology and digital learning into our system. We must embrace opportunities like Project 24, an effort led by former Governor Bob Wise, that will enable our State to make the best use of technology to unleash our true potential. I am asking the State Board to embrace this opportunity.

During this legislative session, let's work together and take bold action so the next generation of West Virginians will have the passion, skills, and knowledge to change our world. (Applause)

For over 40 years this country has wrestled with drug abuse. This is more than a social problem, it's an economic problem. Too many people who can't pass a drug test go somewhere else—somewhere where they don't test—somewhere where it doesn't matter. They're running out of options and so are we. Building a workforce that is not only educated, but clean and sober is something only our people can do for themselves.

Beginning today, we will carry the message: If you get high, you won't get hired—Drugs aren't working. (Applause) I've setup a website: FaceYourFuture.com. West Virginians who need help with substance abuse, we want to help.

Joining me tonight are Kenny Perdue with the AFL-CIO and Steve White with the Affiliated Construction Trades Foundation, who for the past 20 years have been strong advocates for a drug-free workforce. I'm also joined by Steve Roberts, President of the West Virginia Chamber of Commerce and Jan Vineyard with the Business and Industry Council. They are just a few within our labor and business communities who are showing their support for a drug free workforce. Please stand and be recognized for joining us in this fight. (Applause)

We must continue to support our law enforcement officers and give them the tools they need to protect us, our families, and our communities. We know that driving under the influence of alcohol is a serious problem, but so is driving under the influence of drugs. Tonight, I'm proposing legislation to make it clear that officers have implied consent upon reasonable cause. When drivers who are under the influence of drugs are pulled over, they can be properly identified, tested, and removed from our roadways.

As Governor, I'm fortunate to have the opportunity to witness firsthand the dedication that our law enforcement

officers provide to the Mountain State and her people. This past year, the entire State of West Virginia grieved when we lost two beloved State Troopers. These two men lost their lives protecting us, and they will never be forgotten.

Tonight, we are joined by a hero – Deputy Sheriff John Westfall. As you all know, Deputy Westfall worked that tragic scene at the Wallback exit. John was injured, but he is recovering, and it's my pleasure to have him and his wife, Emily here with us this evening. Deputy Westfall, on behalf of all West Virginians, please stand as we thank you and every other law enforcement officer in the State for keeping us safe. (Applause, members standing in ovation)

John, we continue to pray for you, for the family of Corporal Marshall Bailey, for the family of Trooper Eric Workman, and for all men and women who serve in law enforcement.

Just a few months ago, many of us watched in shock when flames ripped through a community near Sissonville leaving houses leveled and a part of our highway charred when a major pipeline exploded. It was a true blessing no one was injured or killed. We have learned from that explosion and the investigation that followed, that West Virginia's pipeline safety statutes are outdated—with weak penalties and enforcement measures. In fact, West Virginia is currently out of compliance with federal guidelines.

Tonight, I am proposing legislation to bring our State into federal compliance. I propose a maximum penalty of up to $200,000 per violation, per day. It is my hope by increasing penalties, we will meet federal standards and ensure overall public safety. (Applause)

It's no secret that West Virginia's correctional system is overextended. Statistics now show the number of people in our prisons is increasing at three times the national average.

Last year, I brought together my colleagues in the Legislature, as well as judges, prosecutors, State and local

leaders and research professionals as part of an effort to find a solution to our outdated and overcrowded prison system.

The Council of State Governments has succeeded in increasing public safety and reducing recidivism in states like Texas, Pennsylvania, and Ohio. I asked them to help me construct a plan—keeping public safety as our number one priority. What we learned was simple: substance abuse is a huge part of prison overcrowding, and the high re-offending rate intensifies the problem.

We must act now to address these challenges. We must work to increase public safety and reduce habitual offenders. Their recommendations are projected to save the State of West Virginia over $116 million over the next six years while making West Virginia a safer place.

This past June we saw a storm like no other we'd ever experienced before. The derecho left a record 688,000 homes and businesses without electricity. Volunteer Fire Departments, 911 Centers, local officials, and the members of the West Virginia National Guard were there for us during those storms. And since the terrorist attack on September 11th, the West Virginia National Guard has deployed over 11,500 men and women overseas and we still have many members deployed today. These brave men and women continue to serve and protect. Tonight one of those soldiers is with us, Sargent Sara Yoke. Sergeant Yoke was on a humanitarian mission to a village in Afghanistan where she and her fellow soldiers came under enemy fire. Because of Sara's bravery she received a Bronze Star and a Combat Action Badge for her service to our country. Please help me recognize Sargent Yoke, Adjutant General James Hoyer, the men and women of the West Virginia National Guard, and all veterans here tonight. Please stand and be recognized for your outstanding service to our nation. (Applause)

West Virginia experienced an amazing and unforgettable year. It was not unlike our equally amazing and unforgettable history. The Mountain State was born during the national

firestorm of civil strife; 150 years ago this year, West Virginia set out on its own journey, with hope and promise. We survived many challenges to get to where we are today—a place we call home. As we come together to celebrate our State's 150th anniversary on June 20th, let's celebrate our history knowing some of her best days lie ahead.

As Cass Gilbert's masterpiece rose on the Kanawha River testifying of an amazing breed of strong West Virginians, it also speaks of our remarkable past. And as Mr. Gilbert's final touches were put on this beautiful Capitol there was much debate about the inscription of words that would forever frame our hallways—and our philosophies.

In a letter Gilbert wrote to Governor William G. Conley dated, July 1, 1931, Gilbert wrote:

"I think we would all agree that the great factors of good government are wisdom, patriotism and diligence, and the most effective of these would be wisdom...I would prefer wisdom to knowledge, for one who is truly wise gets knowledge from others."

Let's again work together as we begin this legislative session and share these great factors of good government; wisdom, patriotism and diligence as we prepare and take action to move our great state forward.

Thank you, God bless you, God bless America and God bless the great State of West Virginia.

(Applause, members and guests rising in ovation)

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At the conclusion of the address, His Excellency, the Governor, accompanied by the committee of escort, retired from the Hall of the House of Delegates.

The Doorkeeper escorted the invited guests from the Chamber.

The members of the Senate retired to their Chamber, and the Speaker declared the Joint Assembly dissolved.

The Speaker then called the House of Delegates to order and laid the following communication from His Excellency, the Governor, before the House:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON, WV

February 13, 2013

EXECUTIVE MESSAGE NO. 1

The Honorable Rick Thompson, Speaker
West Virginia House of Delegates
Charleston, West Virginia 25305

Dear Mr. Speaker:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2013.

With warmest regards,

EARL RAY TOMBLIN,
Governor.

Whereupon,

In compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution, the Speaker introduced the following bill, which was read by its title and referred to the Committee on Finance:

By Mr. Speaker, Mr. Thompson, and Delegate Armstead:
[By Request of the Executive]:

H. B. 2014 - "A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution."

Accompanying the Budget Bill was a document showing estimates of revenue, expenditures, etc., as required by Section 51, Article VI of the Constitution.

At 7:52 P.M., on motion of Delegate Boggs, the House of Delegates adjourned until 11:00 A.M., Thursday, February 14, 2013.

THURSDAY, FEBRUARY 14, 2013

SECOND DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, February 13, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

RESOLUTIONS INTRODUCED

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

H. C. R. 20 - "Requesting the Division of Highways to name bridge number 14-50-31.01 on U.S. Route 50 in Hampshire County, the 'Army Corporal Rex Marcel Sherman Memorial Bridge'."

WHEREAS, Corporal Sherman was born on April 8, 1951 in Romney, West Virginia; and

WHEREAS, Corporal Sherman served in C Company, 75th Infantry, 173rd Airborne Brigade, United States Army; and

WHEREAS, Corporal Sherman began his tour of duty in Vietnam on July 5, 1969 and died in combat on November 19, 1969 in Binh Thuan while under fire and without regard to his personal safety he was pulling wounded soldiers to safety; and

WHEREAS, On November 19, 1969 Corporal Sherman saved the lives of several of his fellow soldiers; and

WHEREAS, Corporal Sherman was posthumously awarded the Silver Star, the third highest award in the military, and was also posthumously promoted to the rank of corporal; and

WHEREAS, Corporal Sherman's bravery, selflessness and love of his country and his fellow man was evident in the way he lived and the way he faced death; and

WHEREAS, It is fitting to honor Corporal Sherman for his commitment, dedication and having made the ultimate sacrifice for his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 14-50-31.01 on U.S. Route 50 in Hampshire County, the "Army Corporal Rex Marcel Sherman 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 "Army Corporal Rex Marcel Sherman Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and the family of Army Corporal Rex Marcel Sherman.

Delegates Hamilton and Lynch offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 21 - "Requesting the Division of Highways to name a stretch of road in Upshur County, West Virginia, the 'Upshur Civil War Company "C" Militia Memorial Highway'; specifically, to provide this identification to that stretch of road on State Route 20

from milepost 11.53 at the intersection of State Route 20 and State Route 4, to milepost 0.00 at the Webster/Upshur County line."

WHEREAS, On September 16, 1862, at Buckhannon, Upshur County, West Virginia, Company "C" of the Upshur County 133rd Militia State Troops was mustered with a known roster of seventy men; and

WHEREAS, Company "C" was stationed at Centerville (now Rock Cave) which was one of the leading centers in the southern part of the county, boasting three well-stocked general stores, two blacksmith shops, a gunsmith, a school, two churches, a post office and a tanyard; and

WHEREAS, Stationing at Centerville was decided in large part because a fortification already existed on a high hill to the southwest, known as Fortification Hill, which is now part of a farm, the house of which now stands where the fort once overlooked the town, surrounding roads and countryside; and

WHEREAS, While stationed at Centerville, the soldiers' initial six weeks time was primarily devoted to learning basic drill, rifle handling, attending lectures on military tactics, becoming disciplined soldiers and learning duties and responsibilities; and

WHEREAS, After becoming familiar with their soldier role, Company "C" was ordered to break camp and return to muster only once per week at the open, drill field; and

WHEREAS, Unbeknownst to Company "C", the Confederates had learned all the minute details and habits of the Upshur County militia from a former member of the militia who had deserted, fled south and joined the Confederate cause wherein he served as a scout; and

WHEREAS, Early on the morning of September 12, 1863, the Confederates arrived unobserved at Centerville under cover of the dense woods, occupying a position on a high hill overlooking the area

where they intended to capture the Company "C" militia and, awaiting the early preparations of the militia to muster in the open field, they formed their plan of attack; and

WHEREAS, All but two members of the militia presented to muster on the clear, crisp morning of September 12, 1863, the two absent members being the father and brother of the deserter, now Confederate scout, who had advised the Confederacy of the whereabouts and doings of the Company "C" militia; and

WHEREAS, As the families of the Company "C" militiamen, who had accompanied their husbands, fathers, brothers and sweethearts, were anticipating an enjoyable, sociable day, the drill sergeant of Company "C" prepared to put his men through their formation, unaware of the danger surrounding them; and

WHEREAS, Just as the militiamen were arriving at their posts in the wide, open and vulnerable field, the Confederates began firing, advancing from the hills and demanding surrender; and

WHEREAS, The surprise attack caused instant confusion amongst the militiamen who were without cover and with only empty rifles for defense; and

WHEREAS, The Company "C" militia was captured and on the evening of September 12, 1863, the rebel commander issued the order to march and the long line of militiamen moved out of Centerville toward the prisons of the South, gazing back at the town of Centerville shrouded in smoke from the fortification set afire by the Confederates; and

WHEREAS, The march was long and the captured soldiers suffered loneliness, homesickness and numerous deprivations with many of the men hospitalized along the way due to an outbreak of the measles and other poor health conditions; and

WHEREAS, The Company "C' militia was ultimately imprisoned at Old Castle Thunder, a warehouse used as a prison, in Richmond, Virginia; and

WHEREAS, The militiamen were initially all denied paroles and exchanges; and

WHEREAS, Upwards of twenty militiamen were offered an escape from the deplorable prison conditions if they agreed to be conscripted into the rebel military service but all refused; and

WHEREAS, By the end of the war, forty-three members of the Company "C" militia died in southern prisons, leaving behind twenty-seven widows and eighty-three children; and

WHEREAS, The raid on Centerville and capture of Company "C" threw what is now the entire State of West Virginia into a panic, causing newspaper editorials to question whether West Virginia, who had given more volunteers to the government, per capita, than any other state in the nation, had the protection of Washington; and

WHEREAS, The lives of the militiamen of Company "C" deserve to be honored so that their sacrifice is not forgotten and remains salient in the minds of all who live and travel through Upshur County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that stretch of road in Upshur County, West Virginia, on State Route 20 from milepost 11.53 at the intersection of State Route 20 and State Route 4, to milepost 0.00 at the Webster/Upshur County line the "Upshur Civil War Company 'C' Militia Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made six signs that state, in bold and prominent lettering, the "Upshur Civil War Company 'C' Militia Memorial

Highway" and erect these signs on both sides of West Virginia State Route 20 at milepost 0.00, milepost 8.33 (the historical landmark of Fiddler's Mill) and milepost 11.53; and, be it

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

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

H. C. R. 22 - "Requesting the Division of Highways to name a section of County Route 16, known as the Buffalo Creek Road, running through the unincorporated community of Lorado, Logan County, West Virginia, from the Lorado highway marker on the eastern edge of the community to the Lorado highway marker on the western edge of the community, the 'Kerry Albright Road'."

WHEREAS, On February 26, 1972, a coal slurry impoundment dam owned by the Pittston Coal Company burst during heavy rains and collapsed two other impoundment dams, sending 132 million gallons of black waste water and sludge rushing in a 20 foot wave through the narrow Buffalo Creek valley; and

WHEREAS, In a matter of minutes, 125 people were dead, 1100 injured, and over 4000 left homeless; 502 houses and 44 mobile homes were destroyed, and 943 houses and mobile homes damaged; 1000 cars and trucks were destroyed and total property damage was estimated at $50 million; and

WHEREAS, In the midst of this devastation, a nine month old baby lay face down in the black muck, with only a tiny leg protruding above the surface; and

WHEREAS, Some thirty minutes before, the baby's mother, Sylvia Albright, and older brother, Steven Albright, had been desperately

running from the wall of waste water hurtling towards them when Sylvia tried to throw her baby to higher ground just as the flood waters overtook them; and

WHEREAS, Sadly, Sylvia Albright and Steven Albright perished in the flood that day, and the baby was last seen floating in the swirling waters; and

WHEREAS, As residents later combed the valley for survivors, the baby's seemingly lifeless body was found buried in the muck with severe bruises and injuries that rendered him nearly unrecognizable; and

WHEREAS, The baby gasped for air when the thick mud was cleared from his mouth, and his rescuers realized that the baby had miraculously survived the flood and his subsequent submersion in the muck for at least twenty to thirty minutes; and

WHEREAS, As the baby clung to life, he was taken to the hospital where doctors treated his injuries, but held out little hope for his survival; and

WHEREAS, With the loving care of his father, Robert Albright, who stayed at his side day and night, the baby defied all odds and miraculously recovered; and

WHEREAS, That baby, Kerry Lee Albright, henceforth became known as the "Miracle Baby of the Buffalo Creek Flood"; and

WHEREAS, Robert Albright was working in an area coal mine when the flood took the life of his wife and elder son and destroyed his home, but he never returned after that fateful day; and

WHEREAS, Kerry's survival gave Robert a purpose in life and helped him to cope with the devastating losses he had suffered, and Robert devoted himself to nurturing the fragile young life who had been spared from the flood; and

WHEREAS, Robert Albright had black lung from twenty-five years underground in the mines, and he now took a disability retirement to assume the full-time role of single father and caregiver to his baby son - learning to cook, clean and sew, to bathe little Kerry and to rock him to sleep; and

WHEREAS, Robert and Kerry lived several years in a trailer provided by the federal government to flood victims until Robert was able to rebuild on the site of their former home; and

WHEREAS, As Kerry grew up, Robert was determined to provide a better life for his son and encouraged him to follow his dreams, often telling Kerry, "You can do whatever you want to do and be whatever you want to be"; and

WHEREAS, When Kerry showed an interest and talent for performing, Robert arranged for private dance and voice lessons for him; and

WHEREAS, When Kerry graduated from high school, he attended Marshall University as a theater major, and then began a twenty year career in musical theater that has taken him around the world performing as a singer and dancer; and

WHEREAS, In the years after he moved away, Kerry often returned home to visit his father who had nurtured him and encouraged him to pursue his dreams; and

WHEREAS, When Robert Albright died in 2000 of lung cancer and black lung, Kerry's final words to his devoted father were, "I love you"; and

WHEREAS, Kerry currently resides in Brooklyn, New York, where he appreciates his life, and lives with a positive and upbeat presence about him that reflects his many years performing in musical theater; and

WHEREAS, The January 2013 edition of Reader's Digest featured an article about Kerry's miraculous story of survival, and now millions of readers are learning about the "Miracle Baby of the Buffalo Creek Flood" for the first time; and

WHEREAS, It is only fitting that a section of Buffalo Creek Road be named for Kerry Albright to celebrate the miracle of life that he represents, and that by honoring Kerry, we also honor his father, Robert Albright, who lovingly nurtured his "miracle baby" into the adult that Kerry has become; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is requested to name a section of County Route 16, known as the Buffalo Creek Road, running through the unincorporated community of Lorado, Logan County, West Virginia, from the Lorado highway marker on the eastern edge of the community to the Lorado highway marker on the western edge of the community, the "Kerry Albright Road"; and, be it

Further Resolved, That the Division of Highways is requested to have made, and be placed, signs identifying the highway as the "Kerry Albright Road"; and, be it

Further Resolved, That Division of Highways is requested to include on the signs an additional inscription identifying Kerry Albright as the "Miracle Baby of the Buffalo Creek Flood"; and, be it

Further Resolved, That the Clerk of the House of Delegates is requested to forward a certified copy of this resolution to the Secretary of Transportation and to Kerry Albright.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegate Hunt:

H. J. R. 25 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section five, article eight thereof,

relating to eliminating individual terms of circuit courts; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

Delegates Perry, Boggs, Campbell, Ellem, Morgan and White offered the following resolution, which was read by the Clerk as follows:

H. R. 7 - "Designating February 14, 2013, as 'Corrections Day'."

WHEREAS, The West Virginia Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services are committed to enhance public safety by providing safe, secure and humane facilities, operating an effective system of offender re-entry and community supervision, reducing offender recidivism and assisting victims of crime; and

WHEREAS, The Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services are further committed to providing effective beneficial services that promote positive development and accountability while preserving community safety and sustaining a work environment predicated upon principles of professionalism, with dignity and respect for all; and

WHEREAS, It is the vision of these agencies to be recognized as innovative leaders in providing quality correctional services; and

WHEREAS, The adult and juvenile correctional population continues to expand and it is important for agency representatives and policymakers to appreciate the nature and magnitude of the growth; and

WHEREAS, Previous information provided to this body should assist public officials and agency representatives in planning for the future and developing policies for the management of the West Virginia correctional population, both adult and juvenile, as well as providing adequate pay, benefits, and a safe secure workplace for the employees in the correctional system; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates February 14, 2013, as "Corrections Day"; and, be it

Further Resolved, That the House of Delegates recognizes the exceptional service and commitment of the employees of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Director of the Division of Corrections, the Director of the Regional Jail Authority and the Director of the Division of Juvenile Services.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 7) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

BILLS INTRODUCED

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

By Delegates Miley, Pethtel, White, Moore, L. Phillips, Boggs, Barill and Jones:

H. B. 2434 – "A Bill to amend and reenact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating generally to the magistrate court system; providing compensation for magistrates, magistrate assistants, magistrate court clerks and magistrate court deputy clerks; and authorizing judges to appoint magistrate court clerks in certain circumstances"; to the Committee on the Judiciary then Finance.

By Delegates Ferro, Pethtel, Diserio, Skaff, Ferns, Jones, Swartzmiller, Storch, Hamilton, Miley and White:

H. B. 2435 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5b,

relating generally to severance taxes collected for privilege of producing oil or natural gas; setting a baseline of tax collections; providing for the distribution of funds collected in excess of that baseline; providing how those funds may be used; creating the Marcellus Development Account; and defining terms"; to the Committee on the Judiciary then Finance.

By Delegate Hunt:

H. B. 2436 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-33, relating to liquefied petroleum gas-consuming equipment and appliances and the business of selling at retail, supplying, handling or transporting certain types of liquefied petroleum gas; requiring certification of correctness as to design, construction and performance of domestic and commercial liquefied petroleum gas-consuming equipment and appliances; requiring installation of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system in accordance with the instructions of the manufacturer of the appliance, equipment or component; prohibiting the alteration, modification, maintenance or repair of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system unless done in accordance with the instructions of the manufacturer; and providing protections from liability for persons engaged in the business of selling at retail, supplying, handling or transporting liquefied petroleum gas, for acts in which they did not participate"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Hunt:

H. B. 2437 – "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting certain handgun safety or training courses from payment of the consumers sales tax; and exempting certain services that provide training in personal safety or defense from payment of the consumers sales tax"; to the Committee on the Judiciary then Finance.

By Delegate Hunt:

H. B. 2438 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-2A-1, §30-2A-2, §30-2A-3, §30-2A-4 and §30-2A-5, all relating to establishing the 'Certified Legal Assistant Act'; defining terms; establishing minimum qualifications; setting forth responsibilities of the lawyer and the certified legal assistant; and providing rule-making authority to the Supreme Court of Appeals in conjunction with the West Virginia State Bar"; to the Committee on the Judiciary.

By Delegate Hunt:

H. B. 2439 – "A Bill to amend and reenact §33-6-33 of the Code of West Virginia, 1931, as amended, relating to insurance; determining the value of a motor vehicle in a claim; requiring the use of the most recent version of a nationally accepted 'official used car guide' for setting the value of a motor vehicle in a claim; and requiring the Insurance Commissioner to identify and make available to the public the most recent nationally accepted 'official used car guide'"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Hunt:

H. B. 2440 – "A Bill to amend and reenact §30-5-2 of the Code of West Virginia, 1931, as amended, relating to professions and occupations; pharmacists; and requiring the Board of Pharmacy to adopt guidelines to permit pharmacists to prescribe medications"; to the Committee on Health and Human Resources then Government Organization.

By Delegate Hunt:

H. B. 2441 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-11, relating to unfair trading practices by insurance companies; providing a third-party claimant may collect damages from an insurance company that has intentionally engaged in an unfair trade practice; and setting forth the requirements that must be met before damages may be awarded"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Hunt:

H. B. 2442 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §35-5-9, relating to requiring internments and graves to identify the decedents' identities"; to the Committee on the Judiciary.

By Delegate Hunt:

H. B. 2443 – "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-4 of said code, all relating to exempting antique cars from taxation and fees"; to the Committee on Roads and Transportation then Finance.

By Delegate Hunt:

H. B. 2444 – "A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended, relating to capping a property tax increase resulting from an increase from the three-year reappraisal at five percent of the previous year's property tax assessment"; to the Committee on Finance.

By Delegate Hunt:

H. B. 2445 – "A Bill to amend and reenact §23-4-23 of the Code of West Virginia, 1931, as amended, relating to workers' compensation; disability and death benefits; permanent total disability; and providing for cost-of-living allowances"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Hunt:

H. B. 2446 – "A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-6-11 of said code; and to amend said code by adding thereto a new section, designated §61-8-17, all relating to the crime of solicitation of a minor; registration as sex offender; and criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegate Hunt:

H. B. 2447 – "A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to the regulation and control

of elections; and requiring that advertising must identify candidates' party affiliation"; to the Committee on the Judiciary.

By Delegate Hunt:

H. B. 2448 – "A Bill to amend and reenact §11-16-3 and §11-16-8 of the Code of West Virginia, 1931, as amended, all relating to the Nonintoxicating Beer Act; adding a limited liability company to the definition of person under the act and allowing a trust to be an applicant for a distributor license"; to the Committee on the Judiciary then Finance.

By Delegates Lawrence, Ferns, Fleischauer and Morgan:

H. B. 2449 – "A Bill to amend and reenact §37-6-30 of the Code of West Virginia, 1931, as amended, relating to landlord and tenant, and the duty of the landlord to maintain a premise; requiring a landlord to address issues of accumulation and the growth of mold; and requiring the landlord to perform mold remediation in accordance with the Centers for Disease Control and Prevention standards"; to the Committee on the Judiciary then Finance.

By Delegate Hunt:

H. B. 2450 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-2-12, relating to taxation; assessors; and granting licensed real estate appraisers access to assessors' commercial or residential review documents to determine comparable market value"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Hunt:

H. B. 2451 – "A Bill to amend and reenact §23-2-1 of the Code of West Virginia, 1931, as amended, relating to permitting those taxicab companies that have certain insurance policies approved by the Insurance Commissioner to not be not required to subscribe to or pay into the Workers' Compensation Fund"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Marshall, Guthrie, Barill, D. Poling, Fragale and Moore:

H. B. 2452 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101 and §48-10A-1201, all relating to extended family visitation generally; setting forth legislative findings and intent; certain terms defined; persons who may apply for extended family visitation; petition for extended family visitation, appointment of guardian ad litem for the child; necessary findings for grant of reasonable visitation to an extended family member; factors to be considered in making a determination as to a grant of visitation to an extended family member; interview of child in chambers; prohibitions on use of child's written or recorded statement or affidavit; proof required generally and in cases of domestic violence; order granting or refusing extended family visitation must state findings of fact and conclusions of law; supervised visitation; conditions on visitation; effect of remarriage of the custodial parent; effect of adoption of the child; continuing jurisdiction of circuit court and family court; termination of extended family visitation; attorney's fees and costs; and misdemeanor offense for allowing contact between child and person who has been precluded visitation rights, and penalties upon conviction for offense"; to the Committee on the Judiciary.

By Delegates Marshall, Guthrie, Sumner, Barill, D. Poling, Fragale, Hamilton and Boggs:

H. B. 2453 – "A Bill to amend and reenact §15-3A-2, §15-3A-3, §15-3A-4 and §15-3A-5 of the Code of West Virginia, 1931, as amended, all relating to expanding the Amber Alert Plan to include a child reported missing regardless of circumstance"; to the Committee on the Judiciary then Finance.

By Delegates Howell, Faircloth, Ellem, Westfall, Butler, Cadle, Folk, Shott, Ferns, Storch and Canterbury:

H. B. 2454 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to making it a crime to interfere with a member of the Legislature while engaged in the performance of his or her official duties; and providing for misdemeanor penalties"; to the Committee on the Judiciary then Finance.

By Delegates Perdue, Perry, Border, Ellington, Fleischauer, Lawrence, Marshall, Miller, Moye, Poore and Sobonya:

H. B. 2455 – "A Bill to repeal §9-2-9b of the Code of West Virginia, 1931, as amended, relating to contract procedures for the Medicaid program"; to the Committee on Health and Human Resources then Finance.

By Delegates Marcum, R. Phillips, Andes, Ferro, Ellington, Diserio, Ferns, Lawrence, White, Eldridge and Reynolds:

H. B. 2456 – "A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, relating to increasing the school dropout age from sixteen to seventeen"; to the Committee on Education then Finance.

By Delegates Marcum, R. Phillips, Ferro, Diserio, Eldridge, Manchin, Skaff, Fleischauer, Marshall, Tomblin and Barill:

H. B. 2457 – "A Bill to amend and reenact §16-29-2 of the Code of West Virginia, 1931, as amended, relating to health care records; requiring health care providers to furnish records to patients at no cost; and limiting the request for free records to once a year"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, Faircloth, Butler, Cadle, Shott, Border, R. Smith, Williams, Barrett, Craig and Folk:

H. B. 2458 – "A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to traffic regulations and laws of the road; speed restrictions; and authorizing the Commissioner of Highways to raise the speed limit for cars and one ton trucks on

certain portions of Interstate highways"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Howell, Ferns, Marcum, Storch, Canterbury, A. Evans, Azinger, Border, Williams, Raines and R. Phillips:

H. B. 2459 – "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-7-4a, all relating to permitting certain holders of concealed weapons permits to carry weapons of the grounds and buildings on the State Capitol Complex; setting forth the requirements; and providing an exception"; to the Committee on the Judiciary.

By Delegates Marcum, R. Phillips, Ferro, Diserio, Ferns, Lawrence, Campbell, White, Pethtel, Marshall and Fleischauer:

H. B. 2460 – "A Bill to amend and reenact §61-8D-4 of the Code of West Virginia, 1931, as amended, relating to creating a new offense for child neglect by a parent, guardian or custodian which creates a substantial risk of bodily injury and providing penalties upon conviction"; to the Committee on the Judiciary then Finance.

By Delegates Perdue, Campbell, Fleischauer, Marshall, Poore and Staggers:

H. B. 2461 – "A Bill to repeal §18-2-6a of the Code of West Virginia, 1931, as amended, relating to the sale of healthy beverages and soft drinks in schools"; to the Committee on Health and Human Resources then Education.

By Delegates Perdue, Perry, Arvon, Eldridge, Ellington, Ferns, Lawrence, Marshall, Moye, Pasdon and Poore:

H. B. 2462 – "A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating generally to health care provider taxes and removing the expiration date for tax rate on eligible acute care hospitals"; to the Committee on Health and Human Resources then Finance.

By Delegates Perdue, Perry, Fleischauer, Marshall, Moye, Poore and Staggers:

H. B. 2463 – "A Bill to repeal §27-16-1, §27-16-2, §27-16-3, §27-16-4 and §27-16-5 of the Code of West Virginia, 1931, as amended, relating to sterilization of mental defectives"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ferro, Pethtel, Diserio, Skaff, Ferns, Jones, Swartzmiller, Storch, Miley, White and Marcum:

H. B. 2464 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-8a, relating to assessment of personal property of transients who provide temporary employment services within any county of the state for a period of at least thirty days and for the payment of taxes on the value of the assessed property"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates R. Phillips, Hunt, Moye, Cowles, J. Nelson, Folk and Walters:

H. B. 2465 – "A Bill to repeal §8-12-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §7-1-3 of said code; to amend and reenact §8-12-5 of said code; and to amend said code, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to crimes and punishment; jurisdiction, powers and duties of county commissions; general powers of municipalities and their governing bodies; uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia solely by the Legislature; legislative intent; definition; general rules relating to the regulation of firearms, ammunition and firearm accessories; remedies for unlawful regulation; providing for exceptions; and providing applicability, grand fathering clause and effective date"; to the Committee on the Judiciary.

By Delegate Hunt:

H. B. 2466 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-5-10a, relating to workers' compensation; appeal and review process; and

requiring that medical treatment and medications be continued throughout the appeal process"; to the Committee on the Judiciary then Finance.

By Delegate Hunt:

H. B. 2467 – "A Bill to amend and reenact §11-3-2a of the Code of West Virginia, 1931, as amended, relating to requiring the county to reimburse a property owner of expenses incurred in contesting a reappraisal of real property if the property owner successfully contests the new appraisal"; to the Committee on Political Subdivisions then Finance.

By Delegate Hunt:

H. B. 2468 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-33, relating to liquefied petroleum gas-consuming equipment and appliances and the business of selling at retail, supplying, handling or transporting certain types of liquefied petroleum gas; requiring certification of correctness as to design, construction and performance of domestic and commercial liquefied petroleum gas-consuming equipment and appliances; requiring installation of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system in accordance with the instructions of the manufacturer of the appliance, equipment or component; and prohibiting the alteration, modification, maintenance or repair of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system unless done in accordance with the instructions of the manufacturer; providing protections from liability for persons engaged in the business of selling at retail, supplying, handling or transporting liquefied petroleum gas, unless they are negligent or act intentionally, and the negligence or intentional act causes or partially causes injury or damage"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Perry, Staggers, Swartzmiller, Walker, Barill and Williams:

H. B. 2469 – "A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to increasing the cap on earnings during temporary reemployment after retirement"; to the Committee on Pensions and Retirement then Finance.

By Delegate M. Poling:

H. B. 2470 – "A Bill to amend and reenact §18-20-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-2-4 of said code; and to amend and reenact §18A-4-8 and §18A-4-8a of said code, all relating to sign support specialist or an educational sign language interpreter in the education of exceptional children, their certification and classification; school service personnel; service personnel classification, compensation and duties; specifying employment duties for certain positions; modifying certain service personnel classification titles; establishing certain service personnel classification titles and setting their wages; and establishing conditions for employer payment of and continuing education credit accrual for certain certification acquisition"; to the Committee on Education then Finance.

At 11:42 A.M., on motion of Delegate Boggs, the House of Delegates adjourned until 11:00 A.M., Friday, February 15, 2013.

FRIDAY, FEBRUARY 15, 2013

THIRD DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, 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, February 14, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Miley, 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. 2434, Relating to compensation in the magistrate court system,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2434) to the Committee on the Finance was abrogated.

RESOLUTIONS INTRODUCED

Delegates Stowers and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 23 - "Requesting the Division of Highways to name bridge number 22-10-22.51, located in Branchland, Lincoln County, West Virginia, on State Route 10, crossing the Guyandotte River, the 'Branchland Veterans' Memorial Bridge'."

WHEREAS, Veterans of the United States Armed Forces have served and protected our great nation in times of war and peace; and

WHEREAS, By serving their country, our Veterans know all too well the true meaning of the quote, "Freedom is never free"; that their sacrifice and bravery can never be repaid by those who enjoy the freedoms our soldiers have fought to protect; and

WHEREAS, While it is a small gesture of our appreciation to the brave men and women that serve, naming a bridge after them will hopefully bring a smile to their faces and to their friends' and families', every time the bridge is crossed; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 22-10-22.51, located in Branchland, Lincoln County, West Virginia, on State Route 10, crossing the Guyandotte River, the "Branchland Veterans' Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made, and be placed at each entry of the bridge, signs which proclaim in prominent, bold letters, the "Branchland Veterans' Memorial Bridge"; and, be it

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

Mr. Speaker, Mr. Thompson, and Delegates Staggers, Arvon, Azinger, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Craig, Diserio, Eldridge, Ellington, Faircloth, Ferns, Fleischauer, Fragale, Frich, Guthrie, Hartman, Howell, Hunt, Jones, Lawrence, Lynch, Manypenny, Marshall, Miley, Morgan, Moye, O'Neal, Pasdon, Perry, L. Phillips, Pino, D. Poling, M. Poling, Poore, Rowan, Skinner, P. Smith, Sobonya, Storch, Swartzmiller, Tomblin, Walker, Wells, White and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 24 - "Requesting the Division of Highways to name the bridge on County Route 23, in Pax, Fayette County, toward the Lively area, bridge number 10-23-6.25, as the 'Rex Lane Mullins Memorial Bridge'."

WHEREAS, Rex Lane Mullins was born on February 1, 1960, and was the third of five children born to Richard and Joan Mullins. He was a lifelong resident of the Pax, West Virginia area located in Fayette County. He attended Pax Elementary School and participated in their basketball program. He graduated from Mt. Hope High School and lettered in their basketball and football programs. He also attended Fayette County Vocational Technical School and was certified in masonry. His masonry certification gave him the opportunity to work his first job for Delegate John Pino of Oak Hill. Rex Lane Mullins married Crystal Williams at age nineteen. They had three children, Jason Lane, Amanda Lynn (deceased at birth) and Geneva Dawn. Shortly after his son, Jason, was born Rex Lane Mullins entered into the mining industry. He worked in the mines for 30 years for several companies beginning at Bonnie Mines in Raleigh County, Marrowbone in Mingo County, and finally at Upper Big Branch in Raleigh County; and

WHEREAS, Rex Lane Mullins thoroughly enjoyed coaching grade school children's basketball games as a resident of the Pax community. He was also a loyal supporter of the Mt. Hope basketball and football games. He was a member of the Pax Advent Christian Church. As a

child, Rex was introduced to fishing, hunting and camping and continued to enjoy these activities in his adulthood. He was a gardener, a wood craftsman and an avid West Virginia University Mountaineer fan with a room completely dedicated to the Mountaineers. Rex was a loving, kind, thoughtful, gentle yet strong, smart, empathetic, funny, but serious, person. He had a quiet nature, was a hardworking and responsible provider for his family and community and a person who did not take his responsibilities lightly. He believed in being loyal and respectful to his family and friends. Every year at his home Rex, assisted by his son Jason, treated his family and neighbors to a spectacular fireworks display on the 4th of July; and

WHEREAS, Rex Lane Mullins was a loving father, son, husband, grandfather, brother, uncle, and stepfather who, on April 5, 2010, lost his life in the Upper Big Branch Mine Disaster. He gave his life producing West Virginia coal to provide lights for our community, our state and our nation; and

WHEREAS, It is fitting to honor Rex Lane Mullins by naming the bridge at County Route 23, in Pax, Fayette County, towards the Lively area, bridge number 10-23-6.25, as the "Rex Lane Mullins Memorial Bridge; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge on County Route 23, in Pax, Fayette County, towards the Lively area, bridge number 10-23-6.25, as the "Rex Lane Mullins Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Rex Lane Mullins Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation; and to the surviving family and relatives

of Rex Lane Mullins: His wife, Brenda Keeton Mullins of Lively; mother, Jean Mullins; son, Jason Mullins and wife Ashley of Pax; daughter, Geneva Mullins Blake and husband Justin of Parkersburg, West Virginia; sisters, Sherry Mullins Scurlock and husband Jay of MacArthur, and Kassie Mullins Smith of Red Star; brothers, Clay Mullins and wife Debbie of Pax, and Yancy Mullins and wife Cathy of Mt. Hope; stepchildren, Jeremy Walker of Ashland, Kentucky, Tessa Walker of Pax and Joseph Walker of Sumter, South Carolina; grandchildren, Kailey Rose Mullins, Emma Grace Mullins, Dominic Walker, Kristen Crawford and Kolton Dorsey.

Mr. Speaker, Mr. Thompson, and Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 25 - "Requesting the Division of Highways to rename the Camp Creek bridge over Camp Creek on State Route 152, in Lavalette, Wayne County, bridge number 50-152-41.56, the 'CPL Fred Russell Memorial Bridge'."

WHEREAS, CPL Fred Russell was born on April 24, 1922 in East Lynn, West Virginia and passed away on March 21, 2011 in Huntington, West Virginia; and

WHEREAS, CPL Fred Russell served in the United States Army during World War II, and was in active service from November 1, 1942 until September 10, 1945; and

WHEREAS, CPL Fred Russell served in General Eisenhower's Division during five battles, including in Normandy, Northern France, Rhineland, Ardennes and Central Europe; and

WHEREAS, CPL Fred Russell was awarded the Purple Heart for injuries sustained in action in France in August, 1944; and

WHEREAS, CPL Fred Russell was also awarded five major Battle Stars, a Gold Leaf, the Good Conduct Medal, the European-African-

Middle Eastern Campaign Medal, the World War II Victory Medal, the Honorable Service WWII Lapel Button and the Sharpshooter Badge; and

WHEREAS, CPL Fred Russell was a life member of VFW Post 1064 in Huntington and American Legion Post 93 in Kenova; and

WHEREAS, CPL Fred Russell returned from service and became a successful local businessman in Wayne, Lavalette and Huntington, West Virginia; and

WHEREAS, CPL Fred Russell served the children of his community by supporting many organizations, including the Cub Scouts, Boy Scouts, Wayne County Little League, and the Wayne Order of Rainbow Girls; and

WHEREAS, CPL Fred Russell further served his community as a FEMA representative, building permit officer, assistant to the assessor, a member of the Huntington Chamber of Commerce, and a charter member of Huntington AARP; and

WHEREAS, CPL Fred Russell was a Royal Arch Mason and member of Wayne Masonic Lodge #18, AF & AM, as well as Wayne Chapter 156, Order of Eastern Star; and

WHEREAS, It is fitting and proper, that CPL Fred Russell be remembered and acknowledged for his courageous action and military service, as well as his long service to the communities of Lavalette, Wayne and Huntington, West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Camp Creek bridge over Camp Creek on State Route 152, in Lavalette, Wayne County, bridge number 50-152-41.56, the "CPL Fred Russell Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "CPL Fred Russell Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the surviving family of CPL Fred Russell.

Delegates Stowers and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 26 - "Requesting the Division of Highways to name the section of Route 3 and Route 214 where they come together to create a triangular area in Yawkey in Lincoln County, the 'Army Corporal Richard D. McGhee Memorial Triangle'."

WHEREAS, Corporal McGhee was born on October 10, 1947 and lived in Yawkey in Lincoln County when he enlisted in the United States Army; and

WHEREAS, Corporal McGhee served his country during the most dangerous time of the Vietnam War as did his brother, Samuel W. McGhee who also served in the Army during the Vietnam War; and

WHEREAS, Corporal McGhee died in the battle of Dak To on November 18, 1967 during combat operations in Kontum Province while serving with Mortar Platoon, Company D, 4th Battalion, 503rd Infantry, 173rd Airborne Brigade; and

WHEREAS, Corporal McGhee was posthumously awarded the Bronze Star and the Purple Heart, along with the Combat Infantry Badge, Parachutist Badge, National Defense Service Medal, Vietnam Service Medal and Republic of Vietnam Campaign Medal; and

WHEREAS, Corporal McGhee's unit decorations included the Presidential Unit Citation for the Battle of Dak To, the Meritorious

Unit Commendation and The Republic of Vietnam Cross of Gallantry with Palm for Vietnam Services; and

WHEREAS, It is fitting to honor and remember Corporal McGhee for his commitment, dedication, courageous action and ultimate sacrifice to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the section of Route 3 and Route 214 where they come together to create a triangular area in Yawkey in Lincoln County, the "Army Corporal Richard D. McGhee Memorial Triangle"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the triangular area as the "Army Corporal Richard D. McGhee Memorial Triangle"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this Resolution to the Secretary of the Department of Transportation and the family of Corporal Richard D. McGhee.

Delegates Stowers and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 27 - "Requesting that bridge number 322-10-28.08 on West Virginia Route 10, crossing the Guyandotte River, currently known as the 'West Hamlin Bridge' in Lincoln County, West Virginia, be named the 'Army SSGT Arthur N. McMellon Memorial Bridge'."

WHEREAS, Staff Sergeant Arthur N. McMellon was the seventh child born to Frank and Garnett McMellon of West Hamlin, Lincoln County, and attended Guyan Valley High School; and

WHEREAS, SSGT Arthur N. McMellon had four brothers, Frank, Jr. of West Hamlin, Forrest of Barboursville, Gerald of Alum Creek

and Jimmy of Star Route 10, near Barboursville, and three of the four also served in the military; and

WHEREAS, SSGT Arthur N. McMellon saw combat action in the United States Army in Korea at the age of seventeen, where he was missing in action once for 18 days but returned uninjured; and

WHEREAS, SSGT Arthur N. McMellon never intended to make a career of the Army, but later reenlisted because he was unable to find a job in West Virginia and was deployed to a combat area in Vietnam; and

WHEREAS, While serving as a mess sergeant, SSGT Arthur N. McMellon was able to scrounge up supplies for and serve a turkey feast for 71 Vietnamese children who unexpectedly visited his First Division Company on a Thanksgiving day; and

WHEREAS, SSGT Arthur N. McMellon's letters home to his wife and mother described the debilitating heat and humidity endured by the troops in Vietnam, the intense fighting in the area where he was stationed near Ben Cat and his desire to be home; and

WHEREAS, While riding in a Jeep to secure supplies for his unit, SSGT Arthur N. McMellon was killed December 1, 1965 by a Viet Cong grenade; and

WHEREAS, SSGT Arthur N. McMellon was buried in Arlington National Cemetery on December 16, 1965; and

WHEREAS, Then Rep. Ken Hechler, D. W.Va., who arranged for the sergeant's burial at Arlington, said of him, "He showed that human kindness and love can shine through and can never be obscured by the muck and grime of a brutal war"; therefore, be it

Resolved by the Legislature of West Virginia:

That bridge number 322-10-28.08 on West Virginia Route 10, crossing the Guyandotte River, currently known as the "West Hamlin

Bridge" in Lincoln County, West Virginia, be named the "Army SSGT Arthur N. McMellon Memorial Bridge"; and, be it

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

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

Delegates Stowers and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 28 - "Requesting the Division of Highways to name a two-mile section of County Route 62 in Alkol, Lincoln County, beginning at the intersection of County Routes 62 and 46, and heading east along Route 62 for two miles the 'Dedicated to the Pound Punchers, Melissa Ferrell, Founder, Highway'."

WHEREAS, The Pound Punchers took it upon themselves and had the initiative to better their quality of life through exercise and a proper diet; and

WHEREAS, The Pound Punchers have maintained a rigorous workout regimen that has included, but not limited to, walking as a support group along County Route 62, also known as Bulger Road, in Alkol, Lincoln County; and

WHEREAS, The Pound Punchers have received local, state and national recognition for their efforts to spread their enthusiasm for better living through diet and exercise; and

WHEREAS, The Pound Punchers have been a positive influence on their community and have continued to strive not only serve as an example but also have a strong desire to make their community a healthier place to live, work and raise a family; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a two-mile section of County Route 62 in Alkol, Lincoln County, beginning at the intersection of County Routes 62 and 46, and heading east along Route 62 for two miles the "Dedicated to the Pound Punchers, Melissa Ferrell, Founder, Highway"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying that two mile section of County Route 62 as the "Dedicated to the Pound Punchers, Melissa Ferrell, Founder, Highway"; and, be it

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

Mr. Speaker, Mr. Thompson, and Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 29 - "Requesting the Division of Highways to name a particular bridge in Wayne County, West Virginia, the 'Army Specialist-5 James R. Justice Memorial Bridge', a bridge which is located on the East Fork of 12 Pole Creek, at the mouth of Bluewater, also known as Cow Creek, approximately two miles up McComas Road and over the mountain from the intersection of McComas Road and Sweetwater Road."

WHEREAS, James R. Justice was born on September 4, 1939, in Delbarton, West Virginia, the son of Oliver Justice and Lucy Jenkins Justice; and

WHEREAS, James R. Justice died on February 10, 1988, in Dunlow, West Virginia; and

WHEREAS, James R. Justice was married to Iris Maynard Justice and had two children, James R. Justice, Jr. and Robin Louise Justice; and

WHEREAS, James R. Justice served our country in the United States Army as a Specialist 5 - Gun Marksman from 1957 to 1961, stationed in Fort Hood, Texas; Hamberg, Germany; and Ft. Lewis, Washington; and

WHEREAS, After serving in the United States Army, James R. Justice worked at Senco Wire in Cincinnati, Ohio; and

WHEREAS, Following a lengthy period of time during which his homesickness for West Virginia did not diminish, Mr. Justice finally realized his dream of coming "home" and, in 1978, returned to his beloved West Virginia to raise his family and live out his life; and

WHEREAS, All that knew Mr. Justice held him in high esteem and close in heart; and

WHEREAS, Mr. Justice was known to be a great and loyal American who would lay down his life for family, friends and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a particular bridge in Wayne County, West Virginia, the "Army Specialist-5 James R. Justice Memorial Bridge", a bridge which is located on the East Fork of 12 Pole Creek, at the mouth of Bluewater, also known as Cow Creek, approximately two miles up McComas Road and over the mountain from the intersection of McComas Road and Sweetwater Road; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Army Specialist-5 James R. Justice Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the daughter of Army Specialist-5 James R. Justice, Ms. Robin Louise Justice.

Delegates Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, A. Evans, Folk, Gearheart, Hamrick, J. Nelson, R. Phillips, Rowan, Shott, P. Smith, R. Smith, Staggers, Storch, Swartzmiller, Westfall and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 30 - "Requesting the Division of Highways to name West Virginia Route 42 from the intersection with Route 46 at Elk Garden, Mineral County, West Virginia, to the intersection with U. S. Route 50 in Mineral County, West Virginia, the 'Army Sergeant Thomas Lawrence Dunithan Memorial Highway'."

WHEREAS, Thomas Lawrence Dunithan, the son of Lawrence and Betty Dunithan, was born and raised in Elk Garden, West Virginia, and graduated from Elk Garden High School in 1966; and

WHEREAS, Thomas Lawrence Dunithan grew up with his brothers Melvin Eugene Dunithan and Charles William Dunithan and his sisters Charlotte Dunithan Hamrick and Donna Dunithan Burdock; and

WHEREAS, Sergeant Thomas Lawrence Dunithan died June 6, 1968, as a result of wounds received in combat in Vietnam while serving with the United States Army; and

WHEREAS, Sergeant Thomas Lawrence Dunithan was awarded a Bronze Star and a Purple Heart for his unselfish service to his country; and

WHEREAS, It is only fitting and proper that this stretch of road near his hometown of Elk Garden be named in his honor, and that it henceforth stand as a permanent memorial so that Sergeant Thomas Lawrence Dunithan's supreme sacrifice will not be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name West Virginia Route 42 from the intersection with West Virginia Route 46 at Elk Garden, Mineral

County, West Virginia, to the intersection with U. S. Route 50 in Mineral County, the "Army Sergeant Thomas Lawrence Dunithan Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is requested to have made, and be placed, signs identifying the road as the "Army Sergeant Thomas Lawrence Dunithan Memorial Highway" with a designation that Sergeant Dunithan served in the Vietnam War; and, be it

Further Resolved, That the Clerk of the House of Delegates forward five certified copies of this resolution to Thomas Caldwell, P. O. Box 52, Burlington, WV 26710 and a certified copy to the Secretary of the Department of Transportation.

Delegates Howell, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Craig, Ellem, A. Evans, Faircloth, Folk, Gearheart, Hamrick, J. Nelson, Overington, R. Phillips, Rowan, Shott, P. Smith, R. Smith, Staggers, Storch, Swartzmiller and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 31 - "Requesting the Division of Highways to name a portion of Pine Swamp Road between the intersection of U.S. 220 and the intersection of Stoney Run Road in Mineral County the 'WWII 78th Lightning Division Road'."

WHEREAS, Army SSG Jonah Edward Kelley, a World War II Medal of Honor winner, grew up in Keyser, West Virginia and was a graduate of Keyser High School, where he excelled as a member of the football and basketball teams; and

WHEREAS, Sergeant Kelley bravely served his country and gave his life as a member of the U. S. Army's 78th Infantry Division, commonly called the 78th Lightning Division; and

WHEREAS, The community of Keyser, West Virginia has honored Sergeant Kelley and the men of the 78th Lightning Division for more than sixty-eight consecutive years; and

WHEREAS, For more than six decades former members of the 78th Lightning Division have come to Keyser from throughout the United States to honor Sergeant Kelley's memory and have established a trust fund to secure continuing presentations of the annual $6,000 J. Edward Kelley Scholarship award for future generations; and

WHEREAS, April 10, 2013, will mark the 68th time that the J. Edward Kelley award will be presented to a student at Keyser High School; and

WHEREAS, It is fitting to dedicate this road to link the men of the 78th Lightning Division with the students of Keyser High School; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a portion of Pine Swamp Road between the intersection of U.S. 220 and the intersection of Stoney Run Road in Mineral County the "WWII 78th Lightning Division Road"; and, be it

Further Resolved, That the Division of Highways is requested to have made, and placed, signs at each end of the portion of the road proclaiming in bold letters the road to be the "WWII 78th Lightning Division Road"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Dave Boden, Publisher, Mineral Daily News Tribune, Keyser, West Virginia and to the Secretary of the Department of Transportation.

Delegates Howell, Anderson, Azinger, Border, Butler, Cadle, Canterbury, Cowles, Craig, Ellem, A. Evans, Faircloth, Ferns, Folk, Hamrick, Hartman, Householder, Iaquinta, Manchin, Manypenny, J. Nelson, Overington, Pasdon, R. Phillips, Rowan, Shott, P. Smith, R.

Smith, Staggers, Storch, Stowers, Sumner, Swartzmiller, Westfall and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 32 - "Urging the Environmental Protection Agency to revoke its decision to allow the sale of gasoline with fifteen percent ethanol (E15) until there is clear and convincing scientific evidence that El5 does not pose a risk to any gasoline-powered vehicle or equipment."

WHEREAS, The Environmental Protection Agency (EPA) wants to allow an ethanol additive to the gasoline marketplace of fifteen percent (E15). Currently gasoline is sold with an ethanol additive of ten percent (E10) and is part of a program to reduce the nation's dependency on foreign oil. Over ninety percent of the gasoline sold has a ten percent ethanol additive; and

WHEREAS, Ethanol increases water formation which can then create formic acid and corrode metals, plastics and rubber, especially over a period of time when the vehicle is not used. Corrosion-resistant materials have been incorporated into newer vehicle, engines and exhaust. However, current high performance specialty parts along with the pre-2001 cars and parts may be susceptible to corrosion. It is believed that a fifteen percent ethanol additive (E15) burns hotter that E10 and can wreck havoc with fuel mixtures and injections; and

WHEREAS, There are an estimated 74 million pre-2001 vehicles in the marketplace that may be mis-fueled with E15. This does not include the millions of boats, lawnmowers, hand-held equipment and the like that were not designed for ethanol. The life span of this equipment can be dramatically reduced with the wrong fuel and the owners could be confronted with equipment break downs. Anticorrosion additives are available for each purchase of gasoline but can become expensive, burdensome and require consumer education; therefore, be it

Resolved by the Legislature of West Virginia:

That Environmental Protection Agency is urged to revoke its decision to allow the sale of gasoline with fifteen percent ethanol (E15) until there is clear and convincing scientific evidence that El5 does not pose a risk to any gasoline-powered vehicle or equipment; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Environmental Protection Agency and to the members of the West Virginia delegation to the United States Senate and House of Representatives.

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

By Delegates Overington, Lane, Sobonya, Sumner, Walters, Canterbury, Andes, Frich, Raines, Border and J. Nelson:

H. J. R. 26 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article three thereof, relating to prohibiting the taking of private property for private use; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Overington, Armstead, Rowan, Sumner, Walters, Andes, Lane, Shott, Gearheart, J. Nelson and Sobonya:

H. J. R. 27 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment;

and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Howell, Storch, Canterbury, A. Evans, Azinger, Border, R. Smith, Folk, Overington, Hamrick and Kump:

H. J. R. 28 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

BILLS INTRODUCED

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

By Mr. Speaker, Mr. Thompson, and Delegates Boggs, Swartzmiller, Miley, Young, Sponaugle and Barrett:

H. B. 2471 – "A Bill to amend and reenact §15-5-6 and §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to homeland security and emergency management; emergency powers of Governor; possession of firearms during a declared state of emergency; prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency; and providing a remedy at law and equity for a violation of a person's rights, including award of costs and attorney fees for a prevailing plaintiff"; to the Committee on the Judiciary.

By Delegates Staggers, Perry, Moore, Moye, Shott, O'Neal, L. Phillips, Arvon, Ellington, Pino and Gearheart:

H. B. 2472 – "A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to increasing the speed limit from 60 mph to 70 mph on a specific section of I-77 West

Virginia Turnpike, between the Chelyan exit, exit 85 in Kanawha County, and the Mossy exit, exit 60 in Fayette County"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Overington, Walters, Sobonya, Rowan, Sumner, Shott, Frich, Border, J. Nelson, Howell and Householder:

H. B. 2473 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-2-13, relating to requiring all state activities and records to be in English; and providing exceptions"; to the Committee on the Judiciary then Finance.

By Delegates Overington, Andes, Cowles, Walters, Sobonya, Miller, Arvon, O'Neal, Folk, Raines and Border:

H. B. 2474 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to authorizing tax credits for parents and legal guardians whose children are in a home schooling program or private school"; to the Committee on Education then Finance.

By Delegate Hunt:

H. B. 2475 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-13, relating to the Department of Health and Human Resources providing matching funds up to $2,000, dollar for dollar each calendar year, to any funds donated by the parents of a minor into a trust account created after the minor has been diagnosed with an autism spectrum disorder, with the money from the trust to be disbursed to help pay expenses for the care of the minor and otherwise be exempt for state income tax purposes"; to the Committee on Finance.

By Delegates Overington, Sumner, Ferro, Hartman, Moore, Armstead, Shott, Frich, Gearheart, Border and J. Nelson:

H. B. 2476 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-6-17, relating to public buildings and encouraging public officials to prominently display the national motto on all public property, public

buildings and all buildings designed, constructed and maintained with public funds from the state, a county or a municipality"; to the Committee on Government Organization then Finance.

By Delegates Overington, Barill, Caputo, Sobonya and Perdue:

H. B. 2477 – "A Bill to amend and reenact §17C-15-23 of the Code of West Virginia, 1931, as amended, relating to permitting certain auxiliary lighting on motorcycles"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Sobonya and Border:

H. B. 2478 – "A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to the Sex Offender Registration Act; and requiring persons incarcerated for sex offenses to register as such at the time they are incarcerated"; to the Committee on the Judiciary.

By Delegates Sobonya, Overington and Border:

H. B. 2479 – "A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto two new sections, designated §3-5-6a and §3-5-6b; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; to amend said code by adding thereto a new section, designated §3-6-2a; and to amend and reenact §51-2-1 of said code, all relating to the nonpartisan elections of justices of the West Virginia Supreme Court of Appeals and circuit court judges; timing and frequency of election; ballot design and printing; separation from partisan ballot; filing announcement of candidacies; withdrawal of announcement of candidacies; refund of paid filing fees; and ballot content"; to the Committee on the Judiciary.

By Delegates Sobonya and Border:

H. B. 2480 – "A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to requiring the inclusion of additional information on the sex offender registry"; to the Committee on the Judiciary.

By Delegates Sobonya and Border:

H. B. 2481 – "A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to relieving the burden imposed on counties of incarcerating inmates in regional jails by changing the way that the cost of incarcerating inmates in regional jails is collected so that it is shared by the county, state and municipality wherein the alleged criminal act occurred; and making the cost of incarcerating a person for less than twenty-four hours one-half the amount charged for incarcerating an inmate for a full day"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya and Border:

H. B. 2482 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to prohibiting school employees from counseling, referring, transporting or assisting any student to obtain an abortion; providing a violation of the section is a misdemeanor; and providing that nothing in the section may be construed as approving of abortion"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya and Border:

H. B. 2483 – "A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to the Uniform Controlled Substances Act; creating the felony offense of unlawful possession of cocaine and providing criminal penalties upon conviction"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya, Overington and Border:

H. B. 2484 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting the first $20,000 of state pensions and social security benefits from West Virginia personal income tax"; to the Committee on Pensions and Retirement then Finance.

By Delegates Sobonya and Border:

H. B. 2485 – "A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to health care records;

and requiring the release of a minor's medical records for drug testing to natural parent or legal guardian"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates E. Nelson, Skaff, Reynolds, White, R. Phillips, Armstead, Pasdon, Poore, Barrett, Storch and Cowles:

H. B. 2486 – "A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-1 of said code, all relating to limiting the amount a property reappraisal can increase over the previous amount"; to the Committee on the Judiciary then Finance.

By Delegates Perdue, Perry, Ellington, Moye, Moore, Diserio, Campbell, Morgan, Poore and Ferns:

H. B. 2487 – "A Bill to repeal §16-5A-9a of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of laetrile"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ferro, Reynolds, Storch and Walters:

H. B. 2488 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-12-1, §36-12-2, §36-12-3, §36-12-4, §36-12-5, §36-12-6, §36-12-7, §36-12-8, §36-12-9, §36-12-10, §36-12-11, §36-12-12, §36-12-13, §36-12-14, §36-12-15, §36-12-16, §36-12-17, §36-12-18 and §36-12-19, all relating to creating the Real Property Transfer on Death Act; authorizing the transfer of real property effective at the time of a transferor's death; providing for applicability and nonexclusivity of this method of transferring real property; providing that a transfer on death deed is revocable and nontestamentary; establishing the capacity of transferor; setting forth requirements; providing that notice, delivery, acceptance and consideration are not required; setting forth the effect of transfer on death deed during a transferor's life; providing disclaimers; providing for liberal construction; providing optional forms; providing for uniformity of application and construction; setting

forth the article's relation to Electronic Signatures in Global and National Commerce Act; and defining terms"; to the Committee on the Judiciary then Finance.

By Delegates Howell, Storch, Canterbury, Azinger, Border, R. Smith, J. Nelson, Folk, Hamrick, Kump and McCuskey:

H. B. 2489 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6B-4-1, §6B-4-2, and §6B-4-3; all relating to official misconduct by a public officer or employee in a public capacity or under color of the officer's or employee's office or employment; penalties"; to the Committee on the Judiciary then Finance.

By Delegates Iaquinta, Fleischauer, Longstreth, Stephens and Azinger:

H. B. 2490 – "A Bill to amend and reenact §18B-4-9 of the Code of West Virginia, 1931, as amended, relating to providing for the appointment of veterans advocates at state institutions of higher education for veterans, current members or reserves of the Armed Forces of the United States or National Guard who are students; and setting forth the responsibilities of those advocates"; to the Committee on Veterans' Affairs and Homeland Security then Education.

By Delegates Iaquinta, Fleischauer, Longstreth, Stephens and Azinger:

H. B. 2491 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-10, relating to establishing a policy for students enrolled in state institutions of higher education who are called up or ordered to state or federal active service, inactive-duty training or annual training in any active duty or reserve component of the Armed Forces of the United States or of the National Guard of this state or any other state"; to the Committee on Veterans' Affairs and Homeland Security then Education.

By Delegates Perdue, Perry, Border, Ellington, Ferns, Fleischauer, Lawrence, Marshall, Moye, Poore and Rowan:

H. B. 2492 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4, §16-45-5 and §16-45-6, all relating to creating a loan forgiveness program for health professionals"; to the Committee on Health and Human Resources then Finance.

By Delegates Staggers, L. Phillips, Guthrie, Swartzmiller and Stephens:

H. B. 2493 – "A Bill to amend and reenact §17B-2-2 of the Code of West Virginia, 1931, as amended, relating to driver's licensing; providing an exemption from the requirement for a Class D drivers license for certain nonresident drivers"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Staggers, L. Phillips, Guthrie, Swartzmiller and Stephens:

H. B. 2494 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4A-1, §17-4A-2 and §17-4A-3, all relating to creation of the Complete Streets Act; adopting a complete streets policy applicable to all streets, roads and highways and other transportation infrastructure facilities under the jurisdiction of the Commissioner of Highways; providing for model complete streets policies for use by counties and municipalities; creating a Complete Streets Advisory Board; and requiring annual reports"; to the Committee on Roads and Transportation then Finance.

By Delegates Marcum, Moore, Stowers, Skaff, E. Nelson, Ferro, Ferns, Young, Skinner, Sponaugle and D. Poling:

H. B. 2495 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-404a, relating to a requirement that all persons convicted or who enter a plea of guilty to drug offenses under sections four hundred one, four hundred two and four hundred three, article four, chapter sixty-a of the

code participate in a drug treatment program; and rule-making authority"; to the Committee on the Judiciary then Finance.

By Delegates White, Marcum, Miley, Staggers, Perry, Moore, Craig, Boggs, Stowers, Reynolds and Ferns:

H. B. 2496 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5H-2-1, §5H-2-2 and §5H-2-3, all relating to creating the 'West Virginia School Personnel Survivor Benefit Act'; providing a short title and legislative intent; definitions; and providing a $12,000 death benefit to the surviving spouse, designated beneficiary, children or parents of teachers and other school personnel killed while in the performance of their duties at a primary or secondary education school"; to the Committee on Education then Finance.

By Delegates Skaff, Stowers, E. Nelson, Campbell, White, Ferns, Craig, Morgan, Poore and Marcum:

H. B. 2497 – "A Bill to amend and reenact §30-40-11 of the Code of West Virginia, 1931, as amended relating to requiring applicants for licenses for original brokers, associate brokers or sales persons to agree to finger printing and criminal history record checks; granting the West Virginia Real Estate Commission with the authority to perform the criminal history record checks; and requiring the applicants to cover the costs of performing the record checks"; to the Committee on Government Organization then the Judiciary.

By Delegates Marcum, Miley, Craig, Moore, White, Perry, Skaff, E. Nelson, Ferro, Ferns and Eldridge:

H. B. 2498 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-15, relating to making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted; and setting forth the penalties"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya and Border:

H. B. 2499 – "A Bill to amend and reenact §28-5-27 of the Code of West Virginia, 1931, as amended, relating to eliminating good time

for persons convicted of sex crimes involving minor children"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya and Border:

H. B. 2500 – "A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for driving under the influence causing death"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya and Border:

H. B. 2501 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-11a; and to amend and reenact §60-3-9, all relating to the creation of the West Virginia Addictions Treatment and Recovery Fund by dedicating $.05 per ounce of the uniform price of alcoholic liquors sold in this state to the fund"; to the Committee on Health and Human Resources then Finance.

By Delegates Hunt, Barill, R. Phillips, Tomblin, Eldridge, Stowers, Hamilton, Perry, D. Poling, Ferro and Sobonya:

H. B. 2502 – "A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-11 of said code, all relating to professional discipline of physicians, podiatrists and osteopathic physicians and surgeons generally; and including oral or written inquiry of a patient about possession, ownership or storage of firearms as a reason for invoking disciplinary proceedings"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Marcum, Miley, Moore, White, Craig, Perry, Skaff, E. Nelson, Ferro, Ferns and Eldridge:

H. B. 2503 – "A Bill to amend and reenact §60A-2-210 of the Code of West Virginia, 1931, as amended, relating to adding suboxone and fioricet to the Schedule IV list of controlled substances; and, by reference, providing a felony criminal penalty"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Marcum, Andes, R. Phillips, J. Nelson, Ferro, Ferns, White, Pethtel, Eldridge, Skaff and L. Phillips:

H. B. 2504 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1 and §61-7B-2, all relating to firearms; providing that any federal law which attempts to ban a semi-automatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state shall be unenforceable in West Virginia; authorizing the Attorney General to defend West Virginia citizens prosecuted for violation of such a federal law; and providing a felony criminal penalty for persons who attempt to enforce such a federal law"; to the Committee on the Judiciary then Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2505 – "A Bill to amend and reenact §24B-4-6 of the Code of West Virginia, 1931, as amended, relating to increasing civil penalties imposed by the Public Service Commission for pipeline safety violations; providing that civil penalties collected by the Public Service Commission are submitted to the Treasurer for deposit into the General Revenue Fund; and making technical changes"; to the Committee on the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2506 – "A Bill to amend and reenact §11-6D-1, §11-6D-2, §11-6D-3, §11-6D-4, §11-6D-5, §11-6D-6, §11-6D-7 and §11-6D-9 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for alternative fuel motor vehicles and qualified alternative fuel vehicle refueling infrastructure and qualified alternative fuel vehicle home refueling infrastructure; setting forth legislative findings; defining terms; restricting credit to purchases of and conversions to natural gas fueled motor vehicles and liquefied petroleum gas fueled motor vehicles; narrowing allowance of credit for alternative-fuel motor vehicle purchases, alternative-fuel motor vehicle conversions and alternative-fuel motor vehicle refueling infrastructure; outlining

eligibility for credit and cessation of eligibility for credit for specified construction, purchases, expenditures, investments, installations, or conversions made on or after cessation dates or tax years as specified; requiring that not more than one tax credit be granted under the said article six-d, or any combination of articles set forth in the said chapter eleven for purchase of an alternative-fuel motor vehicle or for costs relating to conversion of a motor vehicle to an alternative-fuel motor vehicle, or for costs associated with alternative fuel vehicle refueling infrastructure or for costs associated with alternative fuel home refueling infrastructure; providing amount of credit for qualified alternative fuel vehicle refueling infrastructure; providing limitations on credit; providing for the termination of tax credit for alternative-fuel motor vehicles purchased after December 31, 2017; providing for the termination of tax credit for motor vehicles converted to operate on alternative-fuel after December 31, 2017; providing for the termination of tax credit for construction or purchase and installation of alternative fuel vehicle refueling infrastructure occurring after December 31, 2017; providing for the termination of tax credit for construction or purchase and installation of qualified alternative fuel vehicle home refueling infrastructure occurring in tax years beginning after December 31, 2012; providing for the termination of tax credit for purchases of motor vehicles that operate on fuels other than compressed natural gas or liquefied natural gas, or liquefied petroleum gas, occurring in tax years beginning after December 31, 2012; providing for the termination of tax credit for conversions of motor vehicles to operate on fuels other than compressed natural gas or liquefied natural gas or liquefied petroleum gas, occurring in tax years beginning after December 31, 2012; clarifying that provisions applicable to tax years beginning after December 31, 2012 are retroactive; providing limitations and restrictions of credit carryover; providing that credit is non-transferable"; to the Committee on Roads and Transportation then Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2507 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1,

§5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to creating the Jobs Impact Statement Act; requiring that the West Virginia Development Office prepare a jobs impact statement when requested by the Governor or leader of either House of the Legislature for certain proposed legislation; outlining the contents of the jobs impact statement; providing that this article does not affect the validity of legislation, restrict consideration of pending legislation or otherwise alter, amend or invalidate any rule of the Senate, the House of Delegates, or joint rules of the Senate and House of Delegates; and describing the manner in which copies of the jobs impact statement shall be made available"; to the Committee on the Judiciary then Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2508 – "A Bill to amend and reenact §7-22-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-7 of said code, all relating to changing the capital investment threshold amount from more than $25 million to more than $75 million for development expenditures proposed to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first twenty-four months following their creation; changing the capital investment threshold amount from more than $25 million to more than $75 million for remediation expenditures to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first forty-eight months following their creation; and making other technical corrections"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2509 – "A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11B-2-20a; to amend and reenact §17-3-1 of said code; and to amend and reenact §31-15A-9 of said

code, all relating to the Revenue Shortfall Reserve Fund, the Revenue Shortfall Reserve Fund - Part B and the creation of a West Virginia Infrastructure Modernization and Development Special Revenue Fund; specifying maximum aggregate funding amount for the Revenue Shortfall Reserve Fund; providing that interest and other earnings on Revenue Shortfall Reserve Fund - Part B be dedicated to and expended for and in support of the federal-state Medicaid program authorized by the Legislature or mandated by the federal government; providing that, in commencing and executing the provisions of this subdivision, the West Virginia Investment Management Board is not and shall not be obligated to sell any investments at a loss or otherwise take any action not in furtherance of its fiduciary duties and obligations in respect of funds and investments under its management and supervision; creating the West Virginia Infrastructure Modernization and Development Special Revenue Fund in the State Treasury; specifying the funding source for the West Virginia Infrastructure Modernization and Development Special Revenue Fund; specifying use of funds in the West Virginia Infrastructure Modernization and Development Special Revenue Fund; providing ability of State Road Fund to accept and expend funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund; and providing ability of West Virginia Infrastructure Fund to accept and expend funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2510 – "A Bill to amend and reenact §9-2-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §24A-1-3 of said code, all relating to creating a vendor transportation program within the Department of Health and Human Resources to transport Medicaid patients for nonemergency transportation services; requiring that the Secretary of the Department of Health and Human Resources report on the effectiveness of the program to the Legislative Oversight Commission on Health and Human Resources Accountability; exempting motor vehicles used by, or on behalf of, the Department of

Health and Human Resources in connection with the vendor transportation program from the jurisdiction of the Public Service Commission; providing a safety and insurance exception to this exemption; and making technical changes"; to the Committee on Health and Human Resources then Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2511 – "A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the funding of transportation public-private partnership projects and their corresponding comprehensive agreements; eliminating requirement that money from the State Road Fund only be used for public-private partnership projects where the money serves as a required match for federal funds specifically earmarked in a federal authorization or appropriation bill and does not exceed four percent of the immediate preceding three fiscal years' average of the Division of Highway's construction contracts awarded under the competitive bid process; allowing public-private partnership projects to use money from the State Road Fund when the projects are in excess of $20 million, constructed by the Division of Highways, and contained in its six-year plan; providing that any earnings in excess of maximum rate of return that is negotiated in comprehensive agreements be deposited in the State Road Fund; eliminating a sunset provision prohibiting comprehensive agreements for public-private partnership projects after June 30, 2013; eliminating the requirement that a comprehensive agreement for public-private partnership projects be approved by concurrent resolution of the Legislature and be submitted to the Governor for his or her approval or disapproval before the Division of Highways enters into the comprehensive agreement; and instead mandating that the Division of Highways provide a copy of any comprehensive agreement to the Legislature's Joint Committee on Government and Finance at least thirty days prior to said agreement being executed by the Division of Highways for a public-private partnership project"; to the Committee on Roads and Transportation then Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2512 – "A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to reforming the state Medicaid subrogation statute; reorganizing the statute for clarity; defining 'department' as the Department of Health and Human Resources; establishing the department's subrogation right; prioritizing the department's subrogation right; establishing twenty-one day notice requirement upon action, claim or settlement offer affecting the department's subrogation right; requiring joinder of the department upon filing of action or claim; enacting penalty provision for failure to comply with twenty-one day notice requirement; requiring specific allocation of damages for any settlement, compromise, judgment or award; providing a sixty day review period for the department to assess a proposed settlement allocation; providing requirements for evidentiary damages hearings in instances where the department cannot agree with the parties on the allocation of damages in settlement; establishing post-trial payment procedures; and making other technical changes"; to the Committee on Health and Human Resources then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2513 – "A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17C-1-67; and to amend and reenact §17C-5-4 and §17C-5-6 of said code, all relating to improving enforcement of drugged driving offenses; defining 'drug'; providing implied consent to test for controlled substances or drugs; including controlled substances and drugs in blood test administration procedures; and making other clerical changes"; to the Committee on the Judiciary then Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2514 – "A Bill to amend and reenact §11-13X-5 of the Code of West Virginia, 1931, as amended, relating to lowering the total

amount of tax credits available in a given fiscal year under the Film Industry Investment Act"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2515 – "A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act so the definitions conform with the Internal Revenue Code's definitions; and specifying effective dates"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2516 – "A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act so the definitions conform with the Internal Revenue Code's definitions; and specifying effective dates"; to the Committee on Finance.

By Delegates Sobonya and Border:

H. B. 2517 – "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to permitting volunteer firefighters to automatically qualify for Promise Scholarships; and waiving all other scholarship requirements"; to the Committee on Education then Finance.

At 11:12 A.M., the House of Delegates adjourned until 1:00 P. M., Monday, February 18, 2013.

MONDAY, FEBRUARY 18, 2013

SIXTH DAY

[Mr. Speaker, Mr. Thompson, in the Chair]

The House of Delegates met at 1:00 P.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 15, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

PETITIONS

Delegate A. Evans presented a petition on behalf of his constituents requesting that the Division of Highways add to the State Highway System that certain road commonly known as Outlaw Trail, in Grant County; which was referred to the Committee on Roads and Transportation.

BILLS INTRODUCED

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

By Delegates Perry, M. Poling and Stowers:

H. B. 2518 – "A Bill to repeal section §55-7-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2-25a; to amend and reenact §29-12-5a of said code; and to amend and reenact §55-7-15 of said code, all relating to establishing protocols and protections to limit and treat injury to youth athletes and students; making findings with respect

to concussions; defining certain terms and requiring Secondary School Activities Commission rule addressing concussions and head injuries; specifying certain minimum provisions of rule; requiring inclusion of volunteer workers and student teachers under the professional and liability coverage provided to county school boards by Board of Risk and Insurance Management; including licensed health care professional within term 'volunteer worker' with certain conditions and limiting civil liability; including medical assistance rendered by licensed medical professional without remuneration to youth athlete as equivalent to emergency care at scene of accident or medical emergency for protection from liability for civil damages; and including scheduled practices within term 'event'"; to the Committee on Education then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2519 – "A Bill to amend and reenact §11-24-43a of the Code of West Virginia, 1931, as amended; to amend and reenact §31-15A-16 of said code; and to amend and reenact §33-20F-4 of said code, all relating to reallocation and repatriation of certain funds to the General Revenue Fund; specifying that dedication of tax proceeds for deposit in the Special Railroad and Intermodal Enhancement Fund expire at the end of June 30, 2013; reducing the amount deposited annually to the credit of the West Virginia Infrastructure General Obligation Debt Service Fund, subject to certain limitations, conditions and constraints; deleting obsolete provisions regarding a loan from the Tobacco Settlement Medical Trust Fund to the Physician's Mutual Insurance Company; deleting the provision requiring some taxes on medical malpractice insurance premiums to be paid into the Revenue Shortfall Reserve Fund; and specifying effective dates"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Skaff:

H. B. 2520 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-5-13g,

relating to juvenile proceedings; proscribing juveniles from manufacturing, possessing and distributing nude or partially nude images of minors; declaring a violation to be an act of juvenile delinquency; and providing for the punishment thereof"; to the Committee on the Judiciary then Finance.

By Delegate Skaff:

H. B. 2521 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-7-705a, relating to the West Virginia Contraband Forfeiture Act; revising procedures for administrative forfeiture of certain types of property involved in the trafficking of controlled substances; establishing time frames; and providing for notice"; to the Committee on the Judiciary.

By Delegates Marcum, R. Phillips, J. Nelson, White, Eldridge, Reynolds, Tomblin, Barill, L. Phillips, Ellington and E. Nelson:

H. B. 2522 – "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue a special 'HATFIELD and MCCOY' license plate"; to the Committee on Roads and Transportation then Finance.

By Delegates Perdue, Arvon, Border, Eldridge, Ellington, Marshall, Miller, Moye, Pasdon, Poore and Rowan:

H. B. 2523 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 and §30-3-16 of said code; to amend and reenact §30-7-15a of said code; to amend and reenact §30-14-11 of said code; and to amend and reenact §30-14A-1 of said code, all relating to treatment for a sexually transmitted disease; defining terms; permitting prescribing of antibiotics to sexual partners of a patient without a prior examination of the partner; requiring patient counseling; establishing counseling criteria; requiring information materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; and requiring legislative rules

regarding what is considered a sexually transmitted disease and providing that physicians, physician assistants and advanced nurse practitioners are not subject to disciplinary action for providing treatment in an expedited partnership setting"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Perry, Eldridge, Ellington, Lawrence, Poore and Staggers:

H. B. 2524 – "A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to requiring opioid treatment programs to report and provide statistics to the Legislative Oversight Commission on Health and Human Resources Accountability; deleting outdated language; and making stylistic changes"; to the Committee on Health and Human Resources then the Judiciary.

HOUSE CALENDAR

FIRST READING

H. B. 2434, Relating to compensation in the magistrate court system; on first reading, coming up in regular order, was read a first time.

Delegate Lane arose and expressed opposition to the bill.

In accordance with House Rule 103, the Speaker propounded, "Shall the bill be rejected?" and on this question, Delegate Lane demanded the yeas and nays, which demanded was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 2)**, and there were—yeas 43, nays 53, absent and not voting 4, with the yeas and absent and not voting being as follows:

YEAS: Ambler, Anderson, Armstead, Arvon, Ashley, Azinger, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Folk, Frich, Gearheart, Hamilton, Hamrick, Householder, Howell, Kump, Lane, McCuskey, Miller, E. Nelson, J. Nelson, Overington, Pasdon, Raines, Romine,

Rowan, Shott, R. Smith, Sobonya, Storch, Sumner, Walters and Westfall.

ABSENT AND NOT VOTING: Andes, Hunt, Perdue and Pino.

So, a majority of the members present and voting not having voted in the affirmative, H. B. 2434 was not rejected and was advanced to second reading.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Andes, Hunt, Perdue and Pino.

At 1:54 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, February 19, 2013.

TUESDAY, FEBRUARY 19, 2013

SEVENTH DAY

[Mr. Speaker, Mr. Thompson, in the Chair]

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Monday, February 18, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates Poore, Marshall, Guthrie, Walker and Moore offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 9 - "Calling upon the United States Congress to propose a constitutional amendment overturning the United States Supreme Court's Citizens United v. Federal Election Commission ruling and related cases."

WHEREAS, In 2010, the United States Supreme Court issued its ruling in Citizens United v. Federal Election Commission that enabled corporations and unions to spend unlimited amounts of money to influence the outcome of our elections; and

WHEREAS, A subsequent ruling Speechnow.org v. Federal Election Commission, opened the door for individual donors to spend unlimited amounts as well; and

WHEREAS, The use of so-called Super PACs by wealthy individuals and special interests nationally has driven up the cost of elections to over $6 billion in the federal elections alone and reduced local voices in the democratic process; and

WHEREAS, In 2012, based upon Citizens United, the U.S. Supreme Court struck down a century old long-standing Montana campaign finance law, denying states the right to regulate their elections in accordance with their experience of the corrupting influence of money in politics; and

WHEREAS, The people of West Virginia and all other states should have the power to limit by law the influence of money in their political systems; and

WHEREAS, On Election Day, 2012, over six million voters across the United States had the opportunity to vote on state and local ballot measures, including the states of Montana and Colorado, calling for a constitutional amendment to limit money in politics, including the entire states of Montana and Colorado, and all proposed resolutions passed with overwhelming and bipartisan support, averaging seventy-five percent of voters in favor; therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates supports an amendment to the United States Constitution to establish that corporations are not entitled to the same rights and protection as natural persons under the Constitution; and, be it

Further Resolved, That such an amendment should assure the power of the federal, state, and local governments to limit, regulate,

and require disclosure of sources of all money spent to influence elections; and, be it

Further Resolved, That the West Virginia House of Delegates requests that the West Virginia Congressional Delegation support such an amendment, work diligently towards its passage, and vote at all stages to advance such legislation in the Congress; and, be it

Further Resolved, That the Clerk of the West Virginia House of Delegates deliver a copy of this resolution to the Vice President of the United States and the President pro tempore of the United States Senate, to the Speaker of the House of Representatives, to the Majority and Minority Leaders of both Houses of Congress, and to each United States Senator and Member of the House of Representatives from West Virginia.

Delegates Skaff, Armstead, Eldridge, Guthrie, Hunt, Lane, McCuskey, E. Nelson, Poore, Raines, Stowers, Walters and Wells offered the following resolution, which was read by the Clerk as follows:

H. R. 10 - "Recognizing the statewide contributions of the Clay Center for the Arts and Sciences of West Virginia."

WHEREAS, The Clay Center opened its doors on July 13, 2003, as one of only three venues in the country to combine science, visual and performing arts in one facility; and

WHEREAS, The Clay Center's Avampato Discovery Museum is West Virginia's only interactive science museum; and

WHEREAS, The Clay Center's Juliet Museum of Art is one of just four public museums in West Virginia with a permanent art collection; and

WHEREAS, More than fifty thousand students from fifty West Virginia counties have benefitted from the Clay Center's science and art programs each year; and

WHEREAS, More than six hundred fifty West Virginia students have received free instruments and music lessons through the Clay Community Arts program; and

WHEREAS, Through physical outreach presentations and virtual distance learning programs, close to seven hundred students from across the state have visited the Clay Center without ever leaving the classroom; and

WHEREAS, More than 1.3 million people from forty-nine states have visited the Clay Center since its opening; and

WHEREAS, Clay Center activities add approximately $16.4 million to West Virginia's economy each year; and

WHEREAS, Close to four hundred jobs are generated by the Clay Center; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby honors the Clay Center for the Arts and Sciences of West Virginia on February 19, 2013; and, be it

Further Resolved, That the House of Delegates invites all members of the West Virginia Legislature and all citizens of West Virginia to join in recognizing the Clay Center for the Arts and Sciences of West Virginia and its contributions to our state; and, be it

Further Resolved, The Clerk of the House of Delegates forward a certified copy of this resolution to the Clay Center for the Arts and Sciences of West Virginia.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 10) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegates Boggs, Espinosa, Staggers, Rowan, O'Neal, Sobonya, Pasdon, Householder, Walker and Sumner offered the following resolution, which was read by the Clerk as follows:

H. R. 11 - "Designating February 19, 2013, as 'West Virginia Home School Day'."

WHEREAS, The State of West Virginia is committed to excellence in education; and

WHEREAS, The State of West Virginia recognizes that parental involvement and individualized attention to educational success are unique and basic components of home schooling; and

WHEREAS, Home-schooled students exhibit self-confidence and good citizenship and are prepared academically to meet the challenges of today's society; and

WHEREAS, Contemporary studies continue to confirm that children who are educated at home score exceptionally well on national achievement tests and score above the national average on SAT and ACT tests; and

WHEREAS, Home-schooled students have shown to be competitive with publicly and privately schooled students at the college level; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates February 19, 2013, as "West Virginia Home School Day"; and, be it

Further Resolved, That the House of Delegates recognizes students, teachers and families involved with home schooling in West Virginia for their dedication to excellence in education; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the West Virginia Home Educators Association and the Christian Home Educators of West Virginia.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 11) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

Delegate Perry, Vice Chairman of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2487, Prohibiting the use of laetrile,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2487) was referred to the Committee on the Judiciary.

Delegate Miley, 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. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency,

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

Com. Sub. for H. B. 2471 - "A Bill to amend and reenact §15-5-6 and §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to exercise of restricted state and local authority during a declared state of emergency; possession of firearms during a declared state of emergency; prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of

a firearm or ammunition during a declared state of emergency; clarifying scope of right to seize or confiscate otherwise lawfully-possessed firearm during a declared state of emergency; providing exceptions thereto; providing a remedy at law and equity for a violations of this article for the improper seizure of firearms or ammunition during a declared state of emergency; providing a cause of action for the return of the ammunition and firearms seized in violation of these proscriptions; establishing a venue for actions; and providing for the award of costs and attorney fees to a prevailing plaintiff,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2488, Real Property Transfer on Death Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2488) was referred to the Committee on Finance.

BILLS INTRODUCED

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

By Delegates Sobonya, Border, Miller, J. Nelson, R. Phillips, Fleischauer, Marshall, Perry, Raines, Pasdon and Folk:

H. B. 2525 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-7A-26w, relating to providing a cost-of-living provision for certain persons

retired under the Teachers Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Ellington, O'Neal, Gearheart, Householder, Overington, Howell, Storch, Border, Miller, Walker and Faircloth:

H. B. 2526 – "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"; to the Committee on Education then Finance.

By Delegates Ellington, E. Nelson, O'Neal, Ireland, Gearheart, Householder, Overington, Howell, Border, Pasdon and Miller:

H. B. 2527 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-6, relating to human services; application for and granting of assistance; and implementing drug testing for recipients of federal-state and state assistance"; to the Committee on the Judiciary then Finance.

By Delegates Ellington, E. Nelson, Gearheart, Householder, Overington, Howell, Border, Rowan, Shott, R. Phillips and Sobonya:

H. B. 2528 – "A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to prohibiting the Division of Motor Vehicles from issuing instruction permits to applicants who have not successfully passed drug tests; and permitting a level two intermediate licensee to be issued a level three full Class E license if he or she has successfully passed a drug test"; to the Committee on Roads and Transportation then Finance.

By Delegates Ellington, Gearheart, Householder, Howell, Storch, Border, Rowan, Shott, Folk and Faircloth:

H. B. 2529 – "A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the motor fuel excise tax"; to the Committee on Roads and Transportation then Finance.

By Delegates Perdue, Perry, Eldridge, Ellington, Lawrence, Morgan and Staggers:

H. B. 2530 – "A Bill to amend and reenact §30-21-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-30-30; to amend and reenact §30-31-8 and §30-31-9 of said code, all relating to reciprocity for psychologists, social workers, professional counselors and marriage and family therapists; and granting those professionals licensure to practice in the state provided certain conditions are met"; to the Committee on Government Organization then the Judiciary.

By Delegates Morgan, Stephens, Paxton, Hartman, Ferns, Howell, Folk, R. Smith, Faircloth, Arvon and J. Nelson:

H. B. 2531 – "A Bill to repeal §30-32-23 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-32-1, §30-32-2, §30-32-3, §30-32-4, §30-32-5, §30-32-6, §30-32-7, §30-32-8, §30-32-9, §30-32-10, §30-32-11, §30-32-12, §30-32-13, §30-32-14, §30-32-15, §30-32-16, §30-32-17, §30-32-18, §30-32-19, §30-32-20 and §30-32-21 of said code, all relating to the practice of speech-language pathology and audiology; prohibiting practice without a license; providing exemptions; specifying applicability of other law; providing definitions; continuing the board of Examiners for Speech-Language Pathology and Audiology; specifying qualifications of board members; providing terms and conditions of board members' service; providing for election of board officers; providing for compensation and expense reimbursement of board members; setting forth powers and duties of the board; providing rule-making authority; continuing the board of Examiners for Speech-Language Pathology and Audiology Fund; providing qualifications for practicing speech-language pathology or audiology; providing for provisional licenses to practice while attaining required postgraduate professional experience; providing for waiver of requirements for persons who hold a license from another state with substantially equivalent standards; providing for practice pending disposition of application; requiring a license to practice in public schools; providing requirements for attaining a license to practice in public schools; providing scopes of practice for

speech-language pathology and audiology; requiring speech-language pathology assistants and audiology assistants to register with the board; providing registration and supervision requirements for speech-language pathology assistants and audiology assistants; requiring a license to telepractice; providing conditions and requirements for telepractice; providing for renewal of licenses and registrations; providing for renewal of lapsed licenses and registrations; providing for the suspension, revocation and refusal to renew licenses and registrations; providing for the reinstatement of revoked licenses and registrations; authorizing actions to enjoin violations; providing for the investigation of complaints; setting forth complaint procedures and hearing procedures; establishing grounds for disciplinary actions; providing for rights of appeal and judicial review; providing that a single act is sufficient to justify disciplinary action; providing for criminal proceedings; and providing for criminal penalties"; to the Committee on Government Organization then the Judiciary.

By Delegates Caputo, Longstreth, Diserio and Manchin:

H. B. 2532 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1 and §21-5G-2; and to amend said code by adding thereto a new section, designated §33-11-5b, all relating to prohibiting the use of a person's credit history in employment hires except in limited circumstances where there is a legitimate job related purpose in requesting the credit history; and prohibiting the use of a person's credit history in certain insurance transactions"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Morgan, Stephens, Diserio, Hartman, Ferns, Jones, Paxton and P. Smith:

H. B. 2533 – "A Bill to repeal §30-35-2a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-35-1, §30-35-2, §30-35-3, §30-35-4, §30-35-5, §30-35-6, §30-35-7, §30-35-8, §30-35-9, §30-35-10, §30-35-11, §30-35-12, §30-35-13 and §30-35-14 of said code; and to amend said code by adding thereto four new

sections, designated §30-35-15, §30-35-16, §30-35-17 and §30-35-18, all relating to the practice of dietetics; providing that it is unlawful to practice dietetics without a license; defining terms; providing board member qualifications; describing conditions and terms of board appointments; describing powers and duties of the board; defining board rule-making authority; continuing the board of Licensed Dieticians Fund in the State Treasury; establishing conditions for licensure; defining the scope of practice of dieticians; authorizing the issuance of temporary permits; requiring license renewal; requiring display of a license; providing the board may enjoin licensees; authorizing the board to investigate complaints; providing for due process for licensees; describing procedures for hearings and rights of appeal; authorizing criminal proceedings and prescribing criminal penalties for violations"; to the Committee on Government Organization then the Judiciary.

By Delegates Morgan, Stephens, Diserio, Jones, Paxton and P. Smith:

H. B. 2534 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-26-1, §47-26-2, §47-26-3, §47-26-4 and §47-26-5, all relating to the regulation of pawn brokers; defining terms; requiring transaction records; specifying misdemeanor criminal penalty for violations; requiring record retention; and authorizing municipal and county regulation"; to the Committee on Government Organization then the Judiciary.

By Delegates J. Nelson, Walters, Andes, R. Smith, Skaff, R. Phillips, Marcum, Stowers, Eldridge, Tomblin and Lynch:

H. B. 2535 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-30-1, §22-30-2, §22-30-3 and §22-30-4; and to amend said code by adding thereto a new article, designated §22-31-1, §22-31-2, §22-31-3 and §22-31-4, all relating to creating the 'Intrastate Coal and Use Act' and the 'Intrastate Oil and Natural Gas and Use Act'; establishing that the environmental regulation of coal and certain coal products mined and

used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; establishing that the environmental regulation of oil and natural gas produced and used within the state is exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Swartzmiller, Diserio and Jones:

H. B. 2536 – "A Bill to amend and reenact §16-2D-4 of the Code of West Virginia, 1931, as amended, relating to permitting certain hospitals to request an exemption from certificates of need for health care facilities in specific instances"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Caputo, Longstreth, Diserio and Manchin:

H. B. 2537 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11-1, §47-11-2, §47-11-3, §47-11-4, §47-11-5, §47-11-6, §47-11-7, §47-11-8 and §47-11-9, all relating to requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability; establishing requirements and exceptions; rule-making authority; and penalties"; to the Committee on Roads and Transportation then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2538 – "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013 in the amount of $1,500,000 from the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, and in the amount of $2,500,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year

2013, organization 0201, and in the amount of $18,317,356.29 from the Department of Administration, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, and in the amount of $3,800,000 from the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, and in the amount of $8,000,000 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Saving Fund, fund 2367, fiscal year 2013, organization 0218, and in the amount of $2,000,000 from the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, and in the amount of $4,600,000 from the Department of Revenue, State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, and in the amount of $20,000,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, and in the amount of $14,736,022 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2013, organization 0209, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2013, organization 0310, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2013, organization 0601, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2013, organization 0608, to the West Virginia Council for Community and Technical College Education - Control Account, fund

0596, fiscal year 2013, organization 0420, and to the Higher Education Policy Commission - Control Account, fund 0586, fiscal year 2013, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2539 – "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Labor, fund 0260, fiscal year 2013, organization 0308, and the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2013"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2540 – "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of $23,972,984 from the Department of Administration - Office of the Secretary, fund 0186, fiscal year 2008, organization 0201, activity 635, and in the amount of $5,000,000 from the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2008, organization 0310, activity 761, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2013, organization 0221, and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2541 – "A Bill making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2013, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 20, 2013"; to the Committee on Finance.

By Delegates Morgan, Stephens, Jones, Paxton, P. Smith, Staggers, Hartman and Lynch:

H. B. 2542 – "A Bill to amend and reenact §29A-2-7 of the Code of West Virginia, 1931, as amended, relating to publication of the State Register; providing that the State Register and its supplements will be available only in electronic format with limited exceptions; and providing that the fees collected for the sale of certain records will be deposited in equal amounts into the General Revenue Fund and the service fees and collections account"; to the Committee on Government Organization then Finance.

By Mr. Speaker, Mr. Thompson, and Delegates Boggs, Caputo, Swartzmiller, White, Miley, M. Poling, Morgan, Armstead, Lane and Cowles:

H. B. 2543 – "A Bill to amend and reenact §12-4-14a of the Code of West Virginia, 1931, as amended, relating to specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments"; to the Committee on Finance.

By Delegates Walters, Craig, Hunt, White, J. Nelson, Folk, Raines, Paxton, Kump, Boggs and Miley:

H. B. 2544 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1,

§11-13DD-2 and §11-13DD-3; to amend and reenact §15-5-21 of said code; to amend said code by adding thereto a new section, designated §17-2A-8d; and to amend and reenact §55-7D-1 of said code, all relating to improving state emergency preparedness; creating an emergency generator tax credit for gas or propane fueled machines; requiring the Office of Emergency Services to coordinate with local radio and television stations to broadcast public service announcements with information as to the location of emergency shelters; to authorizing the Commissioner of Highways to erect signs relating to emergency shelters; providing tax credits for use of emergency generators; and providing a protection from civil or criminal liability to persons donating food during times of emergencies"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Ellington, M. Poling, Rowan, Miller, Sumner, Pasdon, Perdue, Faircloth, Perry, Marcum and E. Nelson:

H. B. 2545 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-3-4, relating to health professionals student loan programs; creating the Nonresident Medical Student Tuition Regularization Program; legislative findings; stating a purpose of offering nonresident medical students a partial tuition waiver as a means of recruiting practicing physicians to under-served areas and to primary care and practitioner shortage fields in West Virginia; establishing eligibility; requiring nonresident medical students to commit to rendering services for one calendar year as a medical doctor or a doctor of osteopathy in this state for each academic year for which he or she participates in the program; providing a penalty for failure to satisfy service commitment; and requiring the Higher Education Policy Commission to promulgate rules to implement the program"; to the Committee on Education then Finance.

By Delegates Howell and Hamrick:

H. B. 2546 – "A Bill to amend and reenact §8-14A-1 of the Code of West Virginia, 1931, as amended, relating to exempting

nondisciplinary letters of recommendations or counseling from the definition of punitive action contained within the civil service provisions for municipal police officers and firefighters"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Ellem:

H. B. 2547 – "A Bill to repeal §53-8-1, §53-8-2, §53-8-3, §53-8-4, §53-8-5, §53-8-6, §53-8-7, §53-8-8, §53-8-9, §53-8-10, §53-8-11, §53-8-12, §53-8-13, §53-8-14, §53-8-15, §53-8-16 and §53-8-17 of the Code of West Virginia, 1931, as amended, relating repealing provisions establishing a system for the issuance of personal safety orders"; to the Committee on the Judiciary.

By Delegates Ferro, Stowers, Pethtel, Swartzmiller, Storch, Marcum, Boggs, Ferns, D. Poling, Diserio and L. Phillips:

H. B. 2548 – "A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for assaults and batteries against athletic officials"; to the Committee on the Judiciary then Finance.

By Delegates P. Smith, L. Phillips, Moore, White, Marcum and Miley:

H. B. 2549 – "A Bill to amend and enact §50-1-3, §50-1-8, §50-1-9 and §50-1-9a of the Code of West Virginia, 1931, as amended, all relating to increasing salaries of those magistrates and their staffs whose salaries were reduced as a result of the 2010 census to precensus amounts; providing an effective date; and providing that the salary increase is retroactive to January 1, 2013"; to the Committee on the Judiciary then Finance.

By Delegates Hunt, Craig, Lane, Barill, Miley, Paxton, Faircloth, Hamilton, P. Smith, Perry and Moore:

H. B. 2550 – "A Bill to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to crimes; distribution and exhibiting of material depicting minors in sexually explicit

conduct; adding offense of receiving materials depicting minors in sexually explicit conduct; and enhancing felony criminal penalty"; to the Committee on the Judiciary then Finance.

By Delegates Boggs, Hamilton and Moore:

H. B. 2551 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-20-18a, relating to prohibiting insurers from increasing premiums following payment of a claim when event resulting in claim did not result from negligent acts of omissions of insured"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Swartzmiller, Jones, Storch, Diserio, Ferro, Boggs, Ferns and D. Poling:

H. B. 2552 – "A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; and providing an exception to the requirement of having a license to carry a concealed weapon by magistrates and municipal court judges"; to the Committee on the Judiciary.

HOUSE CALENDAR

SECOND READING

H. B. 2434, Relating to compensation in the magistrate court system; on second reading, coming up in regular order, was read a second time.

Delegate Overington requested, which request was joined in by Delegate Hunt, that the amendment heretofore filed with the Clerk be withdrawn.

The bill was then ordered to engrossment and third reading.

At 11:33 A.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, February 20, 2013.

WEDNESDAY, FEBRUARY 20, 2013

EIGHTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, February 19, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates Caputo, Longstreth and Manchin offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 33 - "Requesting the Division of Highways to name the access road to the Armed Forces Readiness Center located in Fairmont, Marion County, West Virginia, currently known as a spur of Lafayette Street, '201st Artillery Drive'."

WHEREAS, The United States Department of the Army Lineage and Honors records and the United States Army Institute of Heraldry recognizes the 1st Battalion, 201st Field Artillery (the "201st") as the oldest unit in the U.S. Army with continuous active service since February 17, 1735; and

WHEREAS, While other units were formed well before that time, those did not join the Continental Army on 14 June 1775; and

WHEREAS, The Institute of Heraldry also recognizes the Regiment as the only surviving unit of the original companies that formed the original United States Army in 1775 under General George Washington; and

WHEREAS, History records that General George Washington was so impressed during his travels through "Western Virginia" that upon discussion of forming a Continental Army he immediately knew that he would form it with soldiers from this area, and General Washington is quoted as saying, "Let me plant my banner in West Augusta and I will surround it with fighting men who will drive the invaders from our land"; and

WHEREAS, The 201st has fought during every major United States military campaign since the Revolutionary War except the Vietnam War, and in addition, the 201st has the distinction of having been split during the Civil War with half of its units fighting with the Union Army and the other half with the Confederate Army. Each Unit, the Northern 201st and the Southern 201st, earned battle streamers for combat during the Civil War, and after the war, the reconstituted 201st was authorized to fly both the Union and Confederate battle streamers on its Flag/Guidon; and

WHEREAS, The 201st has been instrumental in guarding our nation and our state and protecting the lives and freedom of her citizens; and

WHEREAS, The 201st as a National Guard unit has answered valiantly every call from the State of West Virginia during emergencies and disasters which have taken place both within and without her borders; and

WHEREAS, It is fitting to dedicate a public reminder that the soldiers who have worn and continue to wear the colors of the 201st

have provided and continue to provide outstanding examples of selfless service; and

WHEREAS, The council of the City of Fairmont, by resolution adopted by the council at a regular meeting held December 11, 2012, did respectfully request that the access road be named "201st Artillery Drive"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the access road to the Armed Forces Readiness Center located in Fairmont, Marion County, West Virginia, currently known as a spur of Lafayette Street, "201st Artillery Drive"; and, be it

Further Resolved, That the Division of Highways is requested to have made, and be placed, signs identifying the road as the "201st Artillery Drive"; and, be it

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

Delegates Eldridge, Stowers, R. Phillips, Tomblin and J. Nelson offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 34 - "Requesting the Division of Highways to name bridge number 3-3-2.96 on Route 3 in Boone County, the 'Army Sergeant Junior Elwood Dunlap Memorial Bridge'."

WHEREAS, Sergeant Dunlap enlisted in the United States Army on January 1, 1949; and

WHEREAS, Sergeant Dunlap was captured during the Korean War while serving as a sergeant with Tank Company, Second Infantry Division's 38th Regiment on November 1, 1950, the second in the

famous "Indian Head Division" that was the hardest hit out of the Korean Battle Front; and

WHEREAS, Sergeant Dunlap was held captive for thirty-two months and returned home in August 1953 when he was twenty-four years old; and

WHEREAS, Sergeant Dunlap was married to Lillian Barrickman, raised four children and had nine grandchildren, six great-grandchildren and one great-great-grandchild; and

WHEREAS, Sergeant Dunlap spoke numerous times at high schools, universities and public events regarding his experiences in Korea and the honor of serving one's country; and

WHEREAS, Sergeant Dunlap passed away at age seventy-seven on December 24, 2006; and

WHEREAS, It is fitting to honor Sergeant Dunlap for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 3-3-2.96 on Route 3 in Boone County, the "Army Sergeant Junior Elwood Dunlap 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 "Army Sergeant Junior Elwood Dunlap Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and the family of Sergeant Junior Elwood Dunlap.

Delegates A. Evans, Rowan, Azinger, Hamilton, Sumner, Hartman, Sponaugle, Howell, Romine and Faircloth offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 35 - "Requesting that bridge number 12-93-9.84 on W. Va. Corridor H, State Route 93 and future U. S. Route 48, crossing over County Route 1, also known as the Scherr Road, in Grant County, West Virginia, be named the 'W. Va. Fallen Firefighter Charles Eugene Kessel Memorial Bridge'."

WHEREAS, Charles Eugene Kessel was born March 20, 1950 in Petersburg, West Virginia, and as a child lived in several locations in the Potomac Highlands; and

WHEREAS, In 1982, Charles Eugene Kessel married Betty Louise Sions and raised two children, Tonya Kessel Blum of Tennessee, formerly of Springfield, West Virginia, and Charles Thomas Kessel of Maysville, West Virginia, currently a member of the West Virginia State Police; and

WHEREAS, Charles Eugene Kessel was especially fond of the area known as Greenland Gap, where he enjoyed hunting; and

WHEREAS, Charles Eugene Kessel was employed by the Grant County Commission on Aging and the Grant County Board of Education; and

WHEREAS, Charles Eugene Kessel joined the Maysville Volunteer Fire Department in 1975 and for twenty-seven years was a faithful and active volunteer firefighter with the group, and served in several elected executive positions with the department; and

WHEREAS, The volunteer firefighter was proud to be able to serve part of his time as a firefighter along side his son, and he was particularly pleased to be able to serve the children and elderly in his

community by delivering "meals on wheels" and transporting persons to various appointments; and

WHEREAS, Charles Eugene Kessel was a member of the Falls Assembly of God Church; and

WHEREAS, In August of 2002, while assisting the fire department as a firefighter and trustee, Charles Eugene Kessel was involved in an automobile accident which left him with debilitating injuries from which he never recovered; and

WHEREAS, Charles Eugene Kessel died October 16, 2006; and

WHEREAS, In October of 2009, Charles Eugene Kessel was honored as a National Fallen Firefighter at the National Fire Academy in Emmitsburg, Maryland; and

WHEREAS, The name of Charles Eugene Kessel has also been added to the West Virginia Fallen Firefighter's Memorial erected on the grounds of the State Capitol at Charleston, West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 12-93.9.84 on W. Va. Corridor H, State Route 93 and future U. S. Route 48, crossing over County Route 1, also known as the Scherr Road, in Grant County, West Virginia, the "W. Va. Fallen Firefighter Charles Eugene Kessel Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "W. Va. Fallen Firefighter Charles Eugene Kessel Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Charles Thomas Kessel at 171 Twin Oaks Drive, Maysville, WV 26833 and a certified copy to the Commissioner of the Division of Highways.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Swartzmiller, D. Poling, Ferro, Pethtel, Diserio, Jones and Caputo:

H. J. R. 29 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section twelve, relating to reducing from sixty percent to a simple majority the number of votes required for approval of an excess levy, bond issue of incurring of indebtedness by a county, a municipality or a county board of education; allowing counties, cities, school districts and municipal corporations to approve, by a vote of the people, levies, excess levies, the incurring of indebtedness and bond issues by a majority of the votes cast for and against the same, notwithstanding any other provision of the Constitution to the contrary; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

Mr. Speaker, Mr. Thompson, and Delegates Craig, Miller, Morgan, Perdue, Reynolds, Sobonya and Stephens offered the following resolution, which was read by the Clerk as follows:

H. R. 8 - "Designating February 20, 2013 as 'Marshall University Day'."

WHEREAS, 2013 marks the 176th anniversary of Marshall University, the oldest institution of higher education in West Virginia, founded in 1837 as Marshall Academy, in honor of Chief Justice John Marshall; and

WHEREAS, Marshall University is one of the state's premier institutions of higher education, and educates nearly 14,000 students at campuses in Huntington, Point Pleasant, South Charleston, Beckley, Logan and Gilbert; and

WHEREAS, Marshall University offers degrees at the associate, baccalaureate, master and doctoral levels; and

WHEREAS, Marshall University this year met its goal of raising $15 million in private donations for research, which, along with the match from the "Bucks for Brains" West Virginia Research Trust Fund, has resulted in the creation of sixteen new research endowments and a fifteen percent increase in the university's overall endowment; and

WHEREAS, Marshall University this year added one hundred seven new professional students in its inaugural Physical Therapy and School of Pharmacy Programs; and

WHEREAS, Marshall University has built a national reputation for research in biotechnology, forensics and medicine; and

WHEREAS, With every dollar the state invests in Marshall University, the University generates nearly $20 spent in the West Virginia economy, resulting in an estimated economic output of $1.5 billion per year; and

WHEREAS, The Robert C. Byrd Institute for Advanced Flexible Manufacturing serves all fifty-five state counties providing expertise to manufacturers across West Virginia; and

WHEREAS, The Nick J. Rahall, II Appalachian Transportation Institute of Marshall University is setting national standards in transportation; and

WHEREAS, Marshall University's Health Sciences train hundreds of West Virginians to serve as doctors, nurses, therapists and health technicians each year; and

WHEREAS, Marshall graduates number more than ninety-one thousand across the globe; therefore, be it

Resolved by the House of Delegates:

That the House hereby designates February 20, 2013, as "Marshall University Day"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Stephen J. Kopp, President of Marshall University.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 8) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

Delegate Morgan, 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. 2173, Relating to funeral expenses for indigent persons,

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

Com. Sub. for H. B. 2173 - "A Bill to amend and reenact §9-5-18 of the Code of West Virginia, 1931, as amended, relating to funeral expenses for indigent persons; restricting payments for funeral services to those provided by a funeral director licensed by the state of West Virginia; and restricting payments for burial services to those provided by a person or business entity authorized by West Virginia law,"

With the recommendation that the committee substitute do pass.

Delegate Morgan, 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. 2178, Authorizing licensing boards to require applicants to submit to criminal background checks,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2178) was referred to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Morgan, Stephens, Diserio, Jones, Paxton, P. Smith, Staggers, Hartman and Lynch:

H. B. 2553 – "A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-14-1420 of said code; to amend and reenact §31D-15-1530 of said code; to amend and reenact §31E-13-1320 of said code; and to amend and reenact §31E-14-1430 of said code, all relating to authorizing the Secretary of State to administratively dissolve certain business entities; authorizing dissolution if that business entity incorporator's professional license has been revoked and that license is necessary for the continued operation of the company; and authorizing dissolution if that business entity is in default with the Bureau of Employment Programs"; to the Committee on Government Organization then the Judiciary.

By Delegates Morgan, Stephens, Staggers, Hartman, Jones, Diserio and Lynch:

H. B. 2554 – "A Bill to amend and reenact §31D-15-1532, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31D-15-1533; to amend and reenact §31E-14-1432 of said code; to amend said code by adding thereto a new section, designated §31E-14-1533; and to amend and reenact §59-1-2 of said code, all relating to providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations; and establishing a fee for reinstatement"; to the Committee on Government Organization then the Judiciary.

By Delegates Kump, Faircloth, Folk and Manypenny:

H. B. 2555 – "A Bill to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-6-13, relating to electing members of county school boards on a nonpartisan basis in general elections only; and providing that members elected in primary elections shall continue on the boards until any new members take office"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Kump, Folk, Paxton, Faircloth, Azinger, Butler, Skinner and Manypenny:

H. B. 2556 – "A Bill to amend and reenact §8-13-23 of the Code of West Virginia, 1931, as amended, relating to waiving the publication requirements of financial statements for Class IV municipalities"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Kump, Folk, Faircloth, Azinger and J. Nelson:

H. B. 2557 – "A Bill to amend and reenact §6C-1-3, §6C-1-4 and §6C-1-7 of the Code of West Virginia, 1931, as amended, all relating to whistle-blower law, protecting promotion or increase in compensation; allowing use of grievance procedure; protecting use of other right or legal action; and protecting rights related to political activity and membership in employee organizations"; to the Committee

on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Overington, J. Nelson, Folk, Kump, Faircloth, Butler, Cadle, Householder, Sobonya, Miller and Lane:

H. B. 2558 – "A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to repealing the 'grandfather' clause excepting certain municipal ordinances limiting the purchase, possession, transfer, ownership, carrying, transporting, selling or storing of guns or ammunition, from the general provision prohibiting such ordinances"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Gearheart, Householder, Sumner, Moore, Staggers, Ellington, Shott, Storch, L. Phillips and Raines:

H. B. 2559 – "A Bill to amend and reenact §17-16A-4, §17-16A-10 and §17-16A-18 of the Code of West Virginia, 1931, as amended, all relating to requiring all debt obligations of the West Virginia Parkways Authority to be satisfied by February 1, 2020; eliminating tolls on the West Virginia Turnpike by February 1, 2020; providing that certain materials, equipment, assets and employees of the Parkways Authority be transferred to the Division of Highways; providing for employees of the Parkways Authority whose positions are eliminated as result of the transfer; requiring certain moneys be used for former highways of the West Virginia Turnpike; providing that all obligations and responsibilities of the Parkways Authority for the West Virginia Turnpike cease on January 1, 2035; prohibiting new bonds from being issued; providing an exception; and requiring the Division of Highways to accept ownership of the West Virginia Turnpike when the bonds secured by toll revenues have been paid"; to the Committee on Roads and Transportation then Finance.

By Delegates Overington, Kump, Faircloth, Butler, Cadle, Householder, Raines and R. Phillips:

H. B. 2560 – "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to dangerous weapons;

prohibiting the possession of deadly weapons on premises of educational facilities; and providing exceptions to this prohibition by certain persons licensed to carry a concealed weapon"; to the Committee on Education then the Judiciary.

By Delegates Eldridge, J. Nelson, Lynch, Fragale, Reynolds, Stowers, Marcum, Border, Campbell, Ferns and White:

H. B. 2561 – "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; how license to carry deadly weapons obtained; accepting documentation of current military service or an honorable discharge from any branch of the United States Military, Reserve or National Guard as equivalent experience toward the training requirement for a concealed weapons license; and exempting these persons from payment of fees"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegate Gearheart:

H. B. 2562 – "A Bill to amend and reenact §17-16A-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting the West Virginia Parkways Authority to borrow funds effective May 1, 2013; requiring all duties, powers, functions, assets and liabilities of the Parkways Authority be transferred to the Division of Highways effective February 1, 2020; requiring all equipment and employees used for construction and maintenance activities by the Parkways Authority be transferred to the Division of Highways effective February 1, 2020; and prohibiting the collection of tolls effective February 1, 2020"; to the Committee on Roads and Transportation then Finance.

By Delegates Eldridge, R. Phillips, Stowers, Tomblin, Campbell, Reynolds, Ferns, Marcum, White, Longstreth and Fragale:

H. B. 2563 – "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to county boards of education; school counselors; reducing the daily administrative time

required of counselors; and increasing the time actually spent in counseling at-risk students and other pupils"; to the Committee on Education then Finance.

By Delegates J. Nelson, R. Smith, Walters, Pasdon, Sumner, R. Phillips, Ferns, L. Phillips, Raines, Eldridge and Arvon:

H. B. 2564 – "A Bill to amend and reenact §24-2F-5 of the Code of West Virginia, 1931, as amended, relating to the Alternative and Renewable Energy Portfolio Act; delaying implementation of the act"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Kump, Folk, J. Nelson, Canterbury and Manypenny:

H. B. 2565 – "A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to providing official ballot status to a political party that received at least one per cent of the votes in the preceding general election for a statewide office or has at least one thousand votes registered as members of that party"; to the Committee on the Judiciary.

By Delegates M. Poling, Stowers, Paxton, L. Phillips, Reynolds, Skaff, Anderson and Sumner:

H. B. 2566 – "A Bill to amend and reenact §18B-1A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-2A-3 of said code, all relating to institutional operating budgets; the West Virginia Network of Educational Telecomputing; requiring the Higher Education Policy Commission and Council for Community and Technical College Education to propose procedural rules by certain date; specifying prior approval by Legislative Oversight Commission on Education Accountability; setting forth goals and objectives for state institutions of higher education and specifying procedures for measuring attainment; designating a pilot year and requiring certain reports; specifying percentages of operating budgets to be applied to outcomes-based funding annually and designating total percentages; requiring establishment of legislative committee to advise in

developing procedural rules; collecting, synthesizing and disseminating data from state institutions of higher education; directing institutional boards of governors to cooperate in certain data-related operations; and providing certain privacy protections"; to the Committee on Education then Finance.

By Delegates Morgan, Stephens, Diserio, Jones, Paxton, P. Smith and Staggers:

H. B. 2567 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §47-9-10a and §47-9-53a, all relating to limited partnerships; authorizing the Secretary of State to administratively dissolve and reinstate limited partnerships; allowing appeals to the circuit court; and authorizing the Secretary of State to revoke and reinstate certificates of authority of foreign limited partnerships"; to the Committee on Government Organization then the Judiciary.

By Delegates Kump, Folk, Faircloth, Hamrick, Azinger, J. Nelson and Butler:

H. B. 2568 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to authorizing the Legislature to add a nonbinding advisory referendum ballot issue at the next general election to be held in 2014 to determine the preferences of the electorate for nonpartisan elections of members of the judiciary and the Legislature and term limits for members of the House of Delegates"; to the Committee on Constitutional Revision then the Judiciary.

By Delegates Morgan, Stephens, Staggers, Eldridge, Paxton, Lynch and Border:

H. B. 2569 – "A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to requirements for licenses to practice medicine and surgery and licenses to practice podiatry; eliminating the requirement that applicants must appear before the West Virginia Board of Medicine if they have failed to pass certain national licensing examinations; and granting the Board of

Medicine the authority to require applicants to appear in person or electronically and produce original documents"; to the Committee on Government Organization.

By Delegates Morgan, Stephens, Hartman, Paxton, Eldridge and Lynch:

H. B. 2570 – "A Bill to amend and reenact §6C-2-2 and §6C-2-3 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Public Employees Grievance Procedure; adding definition for discovery; requiring agencies to allow reasonable time for representatives to appear; providing for discovery requests; and clarifying that participation in proceedings is considered work time"; to the Committee on Government Organization then the Judiciary.

By Delegates Craig, White, Marcum, Morgan, Stowers, Eldridge, R. Phillips, Reynolds, Skaff and Miller:

H. B. 2571 – "A Bill to amend and reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to permitting individuals from state departments and agencies, except the Department of Environmental Protection, who have received a significant portion of his or her income, during a two-year period, from national pollutant discharge elimination system permit holders and applicants for certain state permits to serve as members of the environmental quality board"; to the Committee on Government Organization.

By Delegates Overington, J. Nelson, Folk, Kump, Faircloth, Butler, Cadle, Householder, R. Phillips, Barrett and Miller:

H. B. 2572 – "A Bill to amend and reenact §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended, all relating to clarifying circumstances under which a person may possess certain firearms while afield hunting or engaging in other outdoor recreational activities"; to the Committee on the Judiciary.

By Delegates Morgan, Stephens, Hartman and Paxton:

H. B. 2573 – "A Bill to amend and reenact §30-5-1a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-5-16 of

said code; and to amend and reenact §60A-3-301 of said code, all relating to authorizing boards that issue licenses to engage in the manufacture, distribution or dispensing of controlled substances to set fees by legislative rulemaking"; to the Committee on Government Organization then the Judiciary.

By Delegates Morgan, Stephens, Hartman, Eldridge, Jones, Paxton, Lynch, Howell, Border, Folk and J. Nelson:

H. B. 2574 – "A Bill to amend and reenact §11A-4-4 of the Code of West Virginia, 1931, as amended, relating to the right of an owner of real estate to set aside a tax deed; and requiring possession by the purchaser of delinquent real estate before the statute of limitations takes effect." to the Committee on the Judiciary then Finance.

By Delegates Kump, Folk, D. Evans and Faircloth:

H. B. 2575 – "A Bill to amend and reenact §21-5A-5 of the Code of West Virginia, 1931, as amended, relating to setting West Virginia prevailing wage rates by county"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Kump, Folk and Faircloth:

H. B. 2576 – "A Bill to repeal §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9, §21-5A-10 and §21-5A-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-11B-14 of said code; to amend and reenact §7-20-22 of said code; to amend and reenact §17-27-16 of said code; to amend and reenact §17-28-9 of said code; and to amend and reenact §18-5-9a of said code, all relating to repealing requirements that prevailing wages be paid in connection with the construction of public improvements"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Perdue, Perry, Eldridge, Lawrence and Staggers:

H. B. 2577 – "A Bill to repeal §30-5-1a, §30-5-1b, §30-5-2a, §30-5-3a, §30-5-5a, §30-5-5b, §30-5-6a, §30-5-7a, §30-5-7b, §30-5-7c, §30-5-9a, §30-5-10a, §30-5-12b, §30-5-12c, §30-5-14a, §30-5-14b,

§30-5-16a, §30-5-16b, §30-5-16c and §30-5-22a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5A-9a of said code; to amend and reenact §30-5-1, §30-5-2, §30-5-3, §30-5-4, §30-5-5, §30-5-6, §30-5-7, §30-5-8, §30-5-9, §30-5-10, §30-5-11, §30-5-12, §30-5-13, §30-5-14, §30-5-15, §30-5-16, §30-5-17, §30-5-18, §30-5-19, §30-5-20, §30-5-21, §30-5-22, §30-5-23, §30-5-24, §30-5-25, §30-5-26, §30-5-27, §30-5-28, §30-5-29 and §30-5-30 of said code; to amend said code by adding thereto four new sections, designated §30-5-31, §30-5-32, §30-5-33 and §30-5-34; and to amend and reenact §60A-10-3 of said code, all relating to the practice of pharmacist care; prohibiting the practice of pharmacist care without a license; permitting a licensed practitioner to dispense in certain settings; providing other applicable sections; providing definitions; providing for board composition; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license, registration and permit requirements; creating a scope of practice; creating a temporary permit; establishing renewal requirements; providing for exemptions from licensure; providing requirement to participate in collaborative pharmacy practice; providing requirement for dispensing generic drugs; requiring the registration of pharmacies requiring a permit for mail-order pharmacies and manufacturing of drugs; providing requirements of filling prescriptions; providing requirements for the display of a board authorization; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal penalties; and updating references"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Morgan, Stephens, Staggers, Eldridge, Hartman, Jones, Paxton, Lynch, Fleischauer, Folk and Arvon:

H. B. 2578 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1,

§5B-2I-2, §5B-2I-3, §5B-2I-4 and §5B-2I-5, all relating to creating the Good Jobs Internet Reporting Act; requiring government agencies to report job creation and retention information related to development assistance programs to the Department of Revenue; requiring tracking numbers for all development assistance projects and tax credits; requiring the Tax Department to report development assistance tax credit information to the Department of Revenue; requiring tax levying bodies to report tax assessment valuation determination information to the Department of Revenue; requiring the Department of Revenue to compile and report all information required under this article to the Legislature; and requiring the Department of Revenue to publish reports on the internet"; to the Committee on Government Organization then Finance.

By Delegates R. Phillips, Stowers, Eldridge, Tomblin, White, Marcum, Caputo, Boggs, Craig, Sumner and J. Nelson:

H. B. 2579 – "A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to protecting state waters; legislative findings; and an implementation plan to establish state specific selenium criteria"; to the Committee on the Judiciary.

HOUSE CALENDAR

THIRD READING

H. B. 2434, Relating to compensation in the magistrate court system; 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. 3)**, and there were—yeas 53, nays 45, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Ambler, Anderson, Andes, Armstead, Arvon, Azinger, Barrett, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Folk, Frich, Gearheart, Hamrick, Householder, Howell, Ireland, Kump, Lane,

Lawrence, McCuskey, Miller, E. Nelson, J. Nelson, Overington, Pasdon, Raines, Romine, Rowan, Shott, R. Smith, Sobonya, Storch, Sumner, Walters and Westfall.

ABSENT AND NOT VOTING: Perdue and Pino.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2434) passed.

Delegate Boggs moved that the bill take effect July 1, 2013.

On this question, the yeas and nays were taken **(Roll No. 4)**, and there were—yeas 62, nays 36, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Ambler, Andes, Armstead, Arvon, Azinger, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Ellem, Ellington, Espinosa, D. Evans, Faircloth, Frich, Gearheart, Hamrick, Householder, Howell, Kump, Lane, McCuskey, Miller, E. Nelson, Overington, Pasdon, Raines, Rowan, R. Smith, Sobonya, Storch, Sumner, Walters and Westfall.

ABSENT AND NOT VOTING: Perdue and Pino.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion that the bill take effect July 1, 2013 rejected.

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

FIRST READING

Com. Sub. for H. B. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency; on first reading, coming up in regular order, was read a first time and ordered to second reading.

REMARKS BY MEMBERS

Delegate Eldridge asked and obtained unanimous consent that the remarks of Delegate Miley regarding H. B. 2434, Relating to compensation in the magistrate court system, be printed in the Appendix to the Journal.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Perdue and Pino.

At 1:06 P.M., the House of Delegates adjourned until 11:00 A.M., Thursday, February 21, 2013.

THURSDAY, FEBRUARY 21, 2013

NINTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, February 20, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Perry, Vice Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2237, Requiring physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2237) was referred to the Committee on the Judiciary.

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. 74 - "A Bill to amend and reenact §52-1-5a and §52-1-8 of the Code of West Virginia, 1931, as amended, all relating to redefining the basis for disqualification of prospective jurors to include those who have been convicted of any crime punishable by imprisonment in excess of one year, perjury or false swearing"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 116 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to crimes against property involving graffiti; defining offense and terms; allowing for aggregation of valuations for penalty purposes; and establishing penalties"; which was referred to the Committee on the Judiciary then Finance.

RESOLUTIONS INTRODUCED

Mr. Speaker, Mr. Thompson, and Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 36 - "Requesting that the bridge located in Wayne County, West Virginia, at the intersection of West Virginia Route 7, also known as Patrick Creek Road, and West Virginia Route 152 be named the 'Private First Class Oscar Harper, Sr. Memorial Bridge'."

WHEREAS, Oscar Harper, Sr. was born February 7, 1922, at Williams, Kentucky, son of the late David Edward Harper and Rebecca Myrtle Perkins Harper; and

WHEREAS, Oscar Harper, Sr. died on February 18 in the year 2006 at the age of eighty-four; and

WHEREAS, During his long and colorful life, Oscar Harper, Sr. resided for many years in Ceredo, Wayne County, West Virginia, where he worked and retired from Union Concrete Pipe Company in Ceredo, West Virginia, and was a long-standing member of Lick Creek United Church, Wayne, West Virginia; and

WHEREAS, Oscar Harper, Sr. was a U.S. Army Veteran of World War II, serving with the 83rd Division, 329th Infantry; and

WHEREAS, While in the U.S. Army, Oscar Harper, Sr. served in the European Theater and was in Normandy at Omaha Beach Head during the invasion of France; and

WHEREAS, Oscar Harper, Sr. received The Purple Heart, Bronze Star, Good Conduct Medal and Expert Rifleman for his military activities and courageous and heroic efforts; and

WHEREAS, Oscar Harper, Sr. was a life member of Disabled American Veterans Chapter II, American Legion Post 93 of Kenova, West Virginia, and Veterans of Foreign War Post 1064 of Huntington, West Virginia; and

WHEREAS, Throughout his life, Oscar Harper, Sr. gave unselfishly of himself to his nation and to his family, which included, at his death, thirteen grandchildren and twelve great-grandchildren; and

WHEREAS, Oscar Harper, Sr. left this world a better place than it was when he entered it; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge located at the intersection of West Virginia Route 7, also known as Patrick Creek Road, and West Virginia Route 152 in Wayne County,

West Virginia, the "Private First Class Oscar Harper, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Private First Class Oscar Harper, Sr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways; Oscar Harper, Sr.'s surviving children and siblings who are daughters Bonnie Vandagriff of Walters, Oklahoma; Fannie McSweeney of South Point, Ohio; Brenda Hodges of Ceredo, West Virginia; Phyllis Williams of Charlestown, Indiana and Connie Fruits of Sellersburg, Indiana; to his son, Oscar Harper, Jr. of Sulphur, Oklahoma; to his sisters Cora Perkins, Dora Blankenship, Pearl Shearer, Wanda Bailey and Clotine Cornett; and, to his brother, Russell Harper.

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

H. C. R. 37 - "Requesting the Division of Highways to rename the Reader Bridge in Wetzel County, Bridge number 52-48-0.01, the 'Sgt. Norman R. Cunningham Memorial Bridge'."

WHEREAS, Sgt. Norman R. Cunningham was born on September 11, 1926 in Rymer, Marion County, West Virginia; and

WHEREAS, Sgt. Cunningham attended Pine Grove High School; and

WHEREAS, Sgt. Cunningham was drafted in 1944, at the age of 18, into the United States Army's 77th Infantry Division; and

WHEREAS, Sgt. Cunningham became a member of the Army Air Corps and served during World War Two until 1947, including at Okinawa and Yokohama, Japan; and

WHEREAS, During Sgt. Cunningham's service in Japan, he attempted to save the lives of two young girls from drowning, and was recognized by the community for his efforts; and

WHEREAS, Sgt. Cunningham returned home and married Martha Lou Brown of Piney, West Virginia, on January 17, 1948; and

WHEREAS, Sgt. Cunningham reenlisted in the United States Air Force in 1951, and went on to serve in the Korean War with the 2750th Medical Group in France and the 75th Transport Squadron; and

WHEREAS, After leaving the military in 1953, Sgt. Cunningham worked for Consolidated Natural Gas for over thirty-five years until his retirement; and

WHEREAS, Sgt. Cunningham also operated a meat cutting, wrapping and storage business in Reader, and often provided his services free of charge to those who could not afford them; and

WHEREAS, In 1969, Sgt. Cunningham received an award from the American Red Cross for saving the life of a Reader, West Virginia girl after nearly drowning in Fishing Creek, just below the Reader Bridge; and

WHEREAS, Sgt. Cunningham was known to all who knew and loved him as "Mr. Haney", because he enjoyed buying, selling and trading anything and everything; and

WHEREAS, Sgt. Cunningham was an active member of Trinity United Methodist Church of Reader and a member of the Benton M. Lowe Post 81 American Legion of Pine Grove; and

WHEREAS, Sgt. Cunningham passed away in January 2013, leaving behind his beloved wife, five children, thirteen grandchildren and fifteen great-grandchildren; and

WHEREAS, It is fitting and proper, that the military service of Sgt. Cunningham, his service to the Reader community, and his life-saving rescue under the Reader Bridge be honored by naming the Reader

Bridge in Wetzel County, Bridge number 52-48-0.01, the "Sgt. Norman R. Cunningham Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Reader Bridge in Wetzel County, Bridge number 52-48-0.01, the "Sgt. Norman R. Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Sgt. Norman R. Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby requested to forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the surviving family of Sgt. Norman R. Cunningham.

BILLS INTRODUCED

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

By Delegates Folk, J. Nelson, Kump, Faircloth, Frich, R. Phillips, Williams, Ireland, Perry, Householder and Cadle:

H. B. 2580 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1 and §5-30-2, all relating to providing that all future federal, state and local statutes, ordinances, laws, orders and rules concerning firearms, firearm accessories, ammunition and their accouterments are invalid and unenforceable; making it a felony to attempt to enforce a federal, state or local statute, ordinance, law, order or rule concerning firearms, firearm accessories, ammunition and their accouterments that violate the state and federal constitutions; making findings; providing penalties; requiring the Attorney General to defend citizens of West Virginia who are prosecuted by the United States government for violation of a federal law relating to the manufacture, sale, transfer or

possession of a firearm, a firearm accessory or ammunition; providing for retroactivity; and providing that *ex post facto* laws are not created"; to the Committee on the Judiciary then Finance.

By Delegates Fleischauer, Barrett, Lawrence, Diserio, Young, Stephens, Miller, Sobonya, Longstreth, Marshall and Barill:

H. B. 2581 – "A Bill to amend and reenact §29-22-18a of the Code of West Virginia, 1931, as amended, relating to requiring that a sum certain be deposited into the Education Improvement Fund for appropriation by the Legislature to the PROMISE Scholarship Fund to provide full tuition and fees for PROMISE scholarships for fiscal year 2014"; to the Committee on Education then Finance.

By Delegates Fleischauer, Miley, Hunt, Longstreth, Pino, Ellem, Overington and Frich:

H. B. 2582 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to the liability of a possessor of real property for harm to a trespasser"; to the Committee on the Judiciary.

By Delegates Fleischauer, Miley, Hunt, Longstreth, Pino, Ellem, Overington, Moore, Poore, Sobonya and Frich:

H. B. 2583 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9B-1, §15-9B-2 and §15-9B-3, all relating to establishing a regulatory system for sexual assault forensic examinations; requiring the creation of the Sexual Assault Forensic Examination Commission; setting forth its powers and responsibilities; setting forth its membership; requiring county prosecutors to convene and chair local Sexual Assault Forensic Examination Boards; and authorizing rule-making"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Morgan, Stephens, Jones, Paxton, P. Smith, Staggers, Hartman and Lynch:

H. B. 2584 – "A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to licensing board

accounts; discontinuing the requirement for the State Treasurer to transfer board funds into the general revenue in certain circumstances; and updating language to comport with current method of electronic receipt of revenue"; to the Committee on Government Organization then Finance.

By Delegates Skaff, Craig, P. Smith, Poore, Guthrie, Hunt, Reynolds, White, Raines and E. Nelson:

H. B. 2585 – "A Bill to amend and reenact §11-3-15c of the Code of West Virginia, 1931, as amended, relating to increasing the time to file a petition in response to notice of an increased assessment of real property"; to the Committee on the Judiciary then Finance.

By Delegates Morgan, Stephens, Eldridge and Paxton:

H. B. 2586 – "A Bill to amend and reenact §30-6-8 of the Code of West Virginia, 1931, as amended, relating to qualifications for a license to practice embalming"; to the Committee on Government Organization.

By Delegates Sobonya, Miller, J. Nelson, Westfall, Poore, Fleischauer, Shott, Ellem, McCuskey, Espinosa and Manchin:

H. B. 2587 – "A Bill to amend and reenact §27-5-9 of the Code of West Virginia, 1931, as amended, relating to mentally ill persons; involuntary hospitalization; rights of patients; and right to have records expunged when hospitalization is based upon a wrong diagnosis of condition"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sobonya, Miller, Hamilton, Poore, Fleischauer, Ellem, Shott, McCuskey, Cowles, Espinosa and Manchin:

H. B. 2588 – "A Bill to amend and reenact §49-2-14 of the Code of West Virginia, 1931, as amended, relating to requiring notification to foster parents who previously cared for a child that the child has again been placed in foster care"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hamilton, Azinger, A. Evans, Ferro, Rowan, Marshall, Miller, Storch, Canterbury, Ambler and Lynch:

H. B. 2589 – "A Bill to repeal §47-19-1 of the Code of West Virginia, 1931, as amended, relating to requiring license to sell paraphernalia for use with controlled substances"; to the Committee on Health and Human Resources then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2590 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-21-1, §31-21-2, §31-21-3, §31-21-4, §31-21-5, §31-21-6, §31-21-7, §31-21-8, §31-21-9, §31-21-10, §31-21-11, §31-21-12, §31-21-13, §31-21-14, §31-21-15, §31-21-16, §31-21-17, §31-21-18, §31-21-19, §31-21-20 and §31-21-21, all relating to authorizing the creation of a public nonprofit corporation and governmental instrumentality under the provisions of article two, chapter thirty-one-e of said code, to collectively address several environmental and economic development programs established to promote the productive reuse of idled and underutilized commercial, industrial and mining properties, support more efficient use of existing public infrastructure and encourage increased job creation with living wages, renewed community vitality and tax revenue generation while protecting public health and our natural resources; providing short title; declaring policy and purpose of article; defining terms; creating West Virginia Land Stewardship Corporation; stating certain tax requirements; setting forth powers and limitations of West Virginia Land Stewardship Corporation; providing for board of directors and composition of same; providing for creation of voluntary land stewardship program; providing for underwriting review of land stewardship program applicants; authorizing establishment of state certified sites program; setting forth minimum standards for certification under state certified sites program; authorizing establishment of voluntary state land bank program; permitting land stewardship corporation to preserve property value of properties held by land stewardship corporation; providing

requirements for handling of contaminated properties by land stewardship corporation; providing for liberal construction of article; exempting corporation from state and local taxes; requiring audits and biannual reports; providing procedure for dissolution of land stewardship corporation upon completion of purpose; providing provision for conflict of interest of land stewardship corporation officers, employees and board members; stating preservation of sovereign immunity; providing that obligations of land stewardship corporation are not obligations of the Department of Environmental Protection or the state; and providing for severability"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Longstreth, Caputo, Manypenny, Manchin, Ferro, D. Poling, Eldridge and Fleischauer:

H. B. 2591 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-27-1, §5-27-2, §5-27-3, §5-27-4, §5-27-5, §5-27-6, §5-27-7, §5-27-8, §5-27-9 and §5-27-10, all relating to creating the Healthy Workplace Act; legislative findings and purpose; definitions; unlawful employment practices; employer liability and defense; affirmative defenses; relief procedures through private right of action; injunction; damages, compensatory and punitive; attorney fees; time limitations; providing that article does not supersede rights and obligations provided under collective bargaining laws and rules; prohibiting receipt of damages under this article and workers' compensation benefits for same time period; and requiring reimbursement"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Morgan, Lynch, Stephens, Craig, Reynolds, Stowers, White, Sobonya and Miller:

H. B. 2592 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and

improvement projects; setting forth the general structure of fund and distribution of funds; and providing for rule making"; to the Committee on Education then Finance.

By Delegates Eldridge, R. Phillips, Stowers, Tomblin, White, Marcum, E. Nelson, J. Nelson, Raines, Skaff and Craig:

H. B. 2593 – "A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to establishing a water quality-based effluent limit for selenium discharges from coal mining operations into waters supporting aquatic life to 30 ppb, or .030 mg/L"; to the Committee on the Judiciary.

By Delegates Overington, Rowan, Howell, Frich, Folk, Ambler, D. Evans, Butler, Cadle, Kump and R. Smith:

H. B. 2594 – "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of school instruction generally; requiring the accumulation of one and one-half years of instruction in the study of the Declaration of Independence and other founding American historical documents including the Bill of Rights before high school graduation; and requiring study of the historical, political and social environments at the time these documents were generated; prohibiting study of social problems, economics, foreign affairs, the United Nations, world government, socialism or communism until basic courses in American state and local geography and history are completed; and misdemeanor penalty"; to the Committee on Education then the Judiciary.

By Delegates Overington, Householder, Howell, R. Phillips, Shott, Gearheart, Rowan, R. Smith and Ellington:

H. B. 2595 – "A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to death penalty for first degree murder;

procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on the Judiciary then Finance.

By Delegates Overington, Cowles, Andes, Householder, Ellington, McCuskey, Walters, Faircloth and Gearheart:

H. B. 2596 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, §21-5G-7 and §21-5G-8, all relating to establishing the West Virginia Right to Work Law; prohibiting any requirement that a person become or remain a member of a labor organization as a condition of employment; prohibiting any requirement that a person must pay dues or other fees to a labor organization; prohibiting any requirement that a person contribute to a charity in lieu of paying dues or other fees to a labor organization; providing that certain agreements or practices between labor organizations and employers are null and void; providing for monetary penalties; providing for injunctive relief; providing for a private cause of action for damages and attorney's fees; providing exceptions; requiring prosecuting attorneys and the Attorney General to investigate complaints; and defining a term"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Stowers, Eldridge, R. Phillips, Tomblin, L. Phillips, Marcum, White, Perry, Ferro, Craig and Skaff:

H. B. 2597 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §22-1B-1, §22-1B-2, §22-1B-3 and §22-1B-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; requiring record keeping; and defining terms"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

HOUSE CALENDAR

SECOND READING

Com. Sub. for H. B. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

Com. Sub. for H. B. 2173, Relating to funeral expenses for indigent persons; on first reading, coming up in regular order, was read a first time and ordered to second reading:

At 11:39 A.M., the House of Delegates adjourned until 11:00 A.M., Friday, February 22, 2013.

FRIDAY, FEBRUARY 22, 2013

TENTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, 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, February 21, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Morgan, 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. 2534, Relating to the regulation of pawn brokers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2534) was referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2530, Relating to reciprocity for psychologists, social workers, professional counselors and marriage and family therapists,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2530) was referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2124, Creating new code sections which separate the executive departments,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2124) was referred to the Committee on Finance.

Delegate Miley, 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. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2498) was referred to the Committee on Finance.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2108, Making the offense of failure to wear safety belts a primary offense,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2108) was referred to the Committee on the Judiciary.

Chairman Staggers, from the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2135, Permitting those individuals who have been issued concealed weapons permits to keep firearms in their motor vehicles on the State Capitol Complex grounds,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2135) was referred to the Committee on the Judiciary.

Chairman Staggers, from the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2477, Permitting auxiliary lighting on motorcycles,

And reports the same back, with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (H. B. 2477) to the Committee on the Judiciary was abrogated.

RESOLUTIONS INTRODUCED

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

H. C. R. 38 - "Requesting the Division of Highways to name the bridge over the Guyandotte River at Bridge Street between Route 10 and E. McDonald Avenue, in Man, Logan County, bridge number 3033, constructed in 1986, as the 'James Darrell Mangrum Memorial Bridge'."

WHEREAS, James Darrell Mangrum was born March 2, 1966, at Decator, Mississippi the son of Martha Christine Horne Mangrum and the late Jimmy D. Mangrum. Darrell was a 1984 graduate of Decator High School, a 1986 graduate of East Central Community College and a 1989 graduate of the University of Mississippi's School of Pharmacy. Upon graduation, he began his pharmacy career which spanned for 23 years, most of which was the Rite Aid of Man. He was very civic minded, serving on the town of Man City Council, the town of Man Park Board, and the Buffalo Creek Memorial Library Board; and

WHEREAS, James Darrell Mangrum departed this life Friday, January 18, 2013, at Logan Regional Medical Center, following a sudden illness at age 46. In addition to his father, he was preceded in death by his maternal grandparents, Jacob and Sarah Horne and his paternal grandparents, Carlie and Hazel Mangrum. Darrell was a long-time member of the Clark Veneable Baptist Church of Decater, Mississippi. He was a loving husband who loved and cared for his wife

through sickness and in health. He was an honorable, compassionate and loving person who will be deeply missed by all that loved and knew him. Those left to cherish his memory, in addition to his mother, are his loving wife of 17 years, Chrissondria "Chrissy" Wilson Mangrum of Man; one sister, Debra (Randy) Barrett of Decator, Mississippi; father-in-law and mother-in-law, Gary and Janice Wilson of Man; two brothers-in-law, Gary (Staci) Wilson of Garrett Fork and Scott (Christy) Wilson of Lyburn; three uncles, James "Cooter" Mangrum of Pearl, Mississippi, Raymond Horne and Willus Horne (Faye) both of Laurel, MS; three nephews, Brody Kitchings, Judah Wilson, and Jacob Key; nieces, Carlie Kitchings, Brilee Wilson, Alexis Cunningham, and Brendie Cunningham; and

WHEREAS, It is fitting to honor James Darrell Mangrum by naming the bridge over the Guyandotte River at Bridge Street between Route 10 and E. McDonald Avenue, in Man, Logan County, the "James Darrell Mangrum Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge over the Guyandotte River at Bridge Street between Route 10 and E. McDonald Avenue, in Man, Logan County, bridge number 3033, constructed in 1986, as the "James Darrell Mangrum Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "James Darrell Mangrum Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation, and to the surviving wife, mother and relatives of Mr. James Darrell Mangrum.

Delegates Longstreth, Caputo and Manchin offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 39 - "Requesting the Division of Highways to name the bridge located at Barrackville, West Virginia, locally called the 'Maple Point Bridge', which travels over Buffalo Creek, specifically bridge number 25A183 the 'PFC Harry Sine, Jr. Memorial Bridge'."

WHEREAS, Harry Sine was born September 25, 1949, to Harry R. Sine Sr. and Mary M. VanMeter Sine in Fairmont, West Virginia. He lived in Barrackville and was a member of the Order of the Arrow, in the Boy Scouts, and played guitar in a local band called Silver Beat Band. He attended Barrackville elementary school and was a 1967 graduate of Fairmont Senior High. He then attended Fairmont State College. Harry worked for the Fairmont-Times and Erwin Supply Company; and

WHEREAS, Harry was drafted into the Army in July 1969 and received basic training at Fort Knox. Upon completion of training he was stationed at Quang Tin, South Vietnam and was a member of the U.S. Army, 23rd Infantry Division (Americal) 196th Division. He died at Quang Tin Province on December 25, 1969. He was married and had one son, Benjamin Sine. PFC Harry Sine, Jr. gave his life in the service of his country and state and his sacrifice should not go unnoticed; and

WHEREAS, It is fitting to honor Harry Sine, Jr. by naming the bridge located at Barrackville, Marion County, West Virginia, locally called the "Maple Point Bridge", which travels over Buffalo Creek, specifically bridge number 25A183 the "PFC Harry Sine, Jr. Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge located at Barrackville, West Virginia, locally called the "Maple Point Bridge", which travels over Buffalo Creek, specifically bridge number 25A183 the "PFC Harry Sine, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "PFC Harry Sine, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation, and to the surviving family and relatives of Harry Sine, Jr.

BILLS INTRODUCED

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

By Delegates Gearheart, Cooper and Howell:

H. B. 2598 – "A Bill to amend and reenact §11-14C-2 and §11-14C-9 of the Code of West Virginia, 1931, as amended, all relating to exempting heating oil for residential use from the Motor Fuel Excise Tax"; to the Committee on Finance.

By Delegates Ellem and Householder:

H. B. 2599 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-22, relating to prohibiting recipients of state assistance under the Supplemental Nutrition Assistance Program from purchasing sugary soft drinks or carbonated beverages with such funds"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hartman, McCuskey, Campbell, Miley, E. Nelson, Sponaugle, Skaff and Lynch:

H. B. 2600 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-25-1, §7-25-2, §7-25-3, §7-25-4, §7-25-5, §7-25-6, §7-25-7, §7-25-8, §7-25-9, §7-25-10, §7-25-11, §7-25-12, §7-25-13, §7-25-14, §7-25-15, §7-25-16, §7-25-17, §7-25-18, §7-25-19, §7-25-20, §7-25-21, §7-25-22, §7-25-23, §7-25-24 and §7-25-25; and to amend and reenact

§30-29-1 of said code, all relating to the creation of resort area districts; providing short title for article; providing legislative findings for resort area districts; defining terms; authorizing county commissions to create resort area districts; providing for petition process for creation or expansion of resort area districts; providing notice requirements for creation or expansion of resort area districts; providing that resort area districts are public corporations and political subdivisions; setting forth powers of resort area districts; authorizing resort area districts to undertake capital projects; authorizing resort area districts to levy assessments upon real property; authorizing resort area districts to borrow money and incur indebtedness; authorizing resort area districts to issue assessment bonds and resort service fee bonds; authorizing resort area districts to impose penalties for unpaid assessments; authorizing resort area districts to levy resort service fee on purchases of certain goods and services; authorizing resort area districts to provide public services; authorizing resort area districts to provide for public safety and appoint resort area rangers; providing for official name of resort area districts; providing for creation of resort area boards; setting forth powers and certain procedures for resort area boards; providing for election of resort area board members; providing election procedures for resort area boards; requiring certain resort area board members to give bond; providing notice requirements for resort area boards election; providing procedures and notice requirements for resort service fee implementation and administration; providing procedures for implementing and providing services within resort area districts; requiring adoption of budget annually; providing procedures for implementation of assessments; providing notice requirements for assessments; providing procedures for construction of capital projects; providing procedures for revision of assessments; exempting public property from assessments; providing terms for assessment bonds and resort service fee bonds; exempting assessment bonds and resort service fee bonds from state taxation; providing that indebtedness of resort area district to be paid solely from resort service fee and assessments; providing procedure for payment of assessments to sheriff; authorizing sheriff to collect delinquent assessments; providing

for lien against property subject to assessment and notice thereof; providing for appointment of resort area rangers; authorizing resort area rangers to exercise authority of law-enforcement officers; requiring annual audit of resort area districts; providing for liberal construction of article; and providing that resort area rangers are considered law-enforcement officers subject to same training and requirements as other law-enforcement officers"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates D. Poling, Diserio, Staggers, Ellem, Williams, Jones, Hamilton and Ferro:

H. B. 2601 – "A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-17-7, §17-17-16 and §17-17-17, all relating to certification requirements for applicators who paint state bridges"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Boggs, Moye, Stowers, Eldridge, L. Phillips, Swartzmiller, Ferro, Pethtel, Diserio, Lynch and Young:

H. B. 2602 – "A Bill to amend and reenact §61-7-6 and §61-7-6a of the Code of West Virginia, 1931, as amended, all relating to allowing a resident of another state to carry a handgun in West Virginia if the person holds a valid permit or license to possess or carry a handgun from the other state"; to the Committee on the Judiciary.

By Delegates Morgan, Stephens, Staggers, Eldridge, Jones, Lynch, Paxton, Hartman, P. Smith, Barrett and Skinner:

H. B. 2603 – "A Bill to repeal §48-26-404, §48-26-405, §48-26-601, §48-26-602, §48-26-901, §48-26-902, §48-26-1003, §48-26-1005, §48-26-1006 and §48-26-1007 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-26-202, §48-26-203, §48-26-204, §48-26-205, §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-403, §48-26-406, §48-26-603, §48-26-604, §48-26-701, §48-26-1001, §48-26-1002 and §48-26-1004 of said code; and to amend said code by adding thereto nine new

sections, designated §48-26-207, §48-26-208, §48-26-209, §48-26-210, §48-26-211, §48-26-212, §48-26-213, §48-26-214 and §48-26-407, all relating to the Family Protection Services Board; revising definitions; adding definitions; revising qualifications for membership on the board; adding two new members to the board; clarifying that the two ex officio members have voting privileges; providing for appointments for unexpired terms; providing appointments for members who become disqualified; authorizing legislative rules; increasing the percentage of board funds which may be used for administrative functions; authorizing the board to develop formulas to direct funds to certain programs; prohibiting programs from falsely representing that they are licensed; authorizing the board to develop preliminary and full application forms; providing for conditional, provisional and full licenses; authorizing the board to issue licenses for up to three years; authorizing the board to issue notices to cease and desist; setting forth procedures for hearings and appeals; requiring programs to report annually to the board; and providing confidentiality protections for programs participants"; to the Committee on Government Organization then the Judiciary.

By Delegates D. Poling, Iaquinta, Ferro, Pethtel, Longstreth and Walker:

H. B. 2604 – "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required by this section"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2605 – "A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to the time final wages are required to be paid to discharged employees; authorizing payment by mail if requested by the employee; providing that employers pay an

employee all wages he or she earned at the time of quitting if the employee gives written notice of his or her intention to quit at least one pay period before quitting; and making other technical changes"; to the Committee on the Judiciary then Finance.

By Delegates Hartman, Campbell, A. Evans, Rowan, Boggs and Lynch:

H. B. 2606 – "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-18-4a, all relating to having the salary of the executive director of the West Virginia State Rail Authority set by the authority"; to the Committee on Government Organization then Finance.

By Delegates Staggers, Morgan, Swartzmiller, R. Phillips, Diserio, Romine, Azinger, Border and Householder:

H. B. 2607 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6C-3-2a, relating to requiring the Public Employees Grievance Board to provide training seminars for chief administrators and persons who conduct Level One hearings and conferences under the public employees' grievance process"; to the Committee on Government Organization then the Judiciary.

By Delegates Staggers, Morgan, Swartzmiller, R. Phillips, Diserio, Romine, Azinger, Border and Householder:

H. B. 2608 – "A Bill to amend and reenact §30-38-7 and §30-38-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15 and §30-38A-16, all relating to requiring appraisal management companies to be registered with the West Virginia Real Estate Appraiser Licensing and Certification Board; updating the duties, powers and rule-making authority of the board; unlawful acts; applicable law; definitions; requirements for

registration, including written applications, verifications and background checks; requiring surety bonds; duties of appraisal management companies; prohibited acts; disciplinary action; hearing and notice procedures; and civil penalties"; to the Committee on Government Organization then the Judiciary.

By Delegates Gearheart, Householder, Andes, R. Phillips, Marcum, Craig, J. Nelson, Folk, Lynch, Tomblin and Eldridge:

H. B. 2609 – "A Bill to repeal §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6, §24-2F-7, §24-2F-8, §24-2F-9, §24-2F-10, §24-2F-11 and §24-2F-12 of the Code of West Virginia, 1931, as amended, all relating to the Alternative and Renewable Energy Portfolio Act"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

HOUSE CALENDAR

THIRD READING

Com. Sub. for H. B. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency; 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. 5)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Perdue, Pino and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2471) passed.

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

SECOND READING

Com. Sub. for H. B. 2173, Relating to funeral expenses for indigent persons; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

REMARKS BY MEMBERS

Delegate Overington asked and obtained unanimous consent that the remarks of Delegates Butler, Faircloth, Folk, Moye, J. Nelson and R. Smith regarding Com. Sub. for H. B. 2471, Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency, be printed in the Appendix to the Journal.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Perdue, Pino and Skaff.

At 11:27 A.M., the House of Delegates adjourned until 1:00 P.M., Monday, February 25, 2013.

MONDAY, FEBRUARY 25, 2013

THIRTEENTH DAY

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

The House of Delegates met at 1:00 P.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 22, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates White, Marcum, Moore and L. Phillips offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 40 - "Requesting the Division of Highways to name bridge number 24-1-3.58 on Route 1 in McDowell County, the 'Estel R. Stacy World War II Navy Veteran Memorial Bridge'."

WHEREAS, Mr. Stacy was born on June 12, 1925, in Panther to James and Lydia Roberts Stacy; and

WHEREAS, Mr. Stacy was a U. S. Navy veteran of World War II, served aboard the USS Jenkins and USS Fletcher in the Pacific Theater where he participated in seventeen major campaigns; and

WHEREAS, After an honorable discharge in 1946, Mr. Stacy joined the U. S. Army National Guard 150th Armored Calvary in Welch; and

WHEREAS, Mr. Stacy retired as a coal miner and was a former president of the UMWA Local Union 1078 of District 17; and

WHEREAS, Mr. Stacy was a member of the Isaban Baptist Church, served as a troop master for Boy Scout Troop 434 of Isaban and was actively involved with the Shawnee Parkway Commission with his special friend, William Sanders; and

WHEREAS, Mr. Stacy died on December 17, 1997, at the Princeton Community Hospital; and

WHEREAS, It is fitting to honor Mr. Stacy for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-1-3.58 on Route 1 in McDowell County, the "Estel R. Stacy World War II Navy Veteran 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 "Estel R. Stacy World War II Navy Veteran Memorial Bridge"; and, be it

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

Delegates White, Marcum, Moore, R. Phillips, Tomblin, Eldridge and Stowers offered the following resolution, which was read its title and referred to the Committee on Rules:

H. C. R. 41 - "Requesting the Division of Highways to name the bridge located at Lenore, Mingo County, West Virginia, Route 65

milepost 19.63, which was built in 1947, specifically bridge number 1652, the 'Cornelius Nebo Lackey Memorial Bridge'."

WHEREAS, Cornelius Nebo Lackey was born on January 11, 1921, in Kirk, West Virginia. He married Otellia White, on March 30, 1946. He was the father of eight children, four sons James Lackey, Chester Lackey, Cornelius Lackey, Jr. and Tracy Lackey and four daughters, Earnestine (Lackey) Hall, Wilma (Lackey) Tilley, Rachel (Lackey) Watts and Eva (Lackey) Brown and the proud grandfather of seventeen. Cornelius spent almost his entire life in Mingo County, except the years he spent in the United States Army. In his early years, Cornelius Nebo Lackey was a logger. In the 1950's he started working in the mining industry and worked for Island Creek Coal Company until his health forced him to retire; and

WHEREAS, Cornelius Nebo Lackey did not talk about his Army stay to family members until his later years when they learned that he attained the rank of Staff Sergeant and served in Company L, 395th Infantry. He received the Bronze Star — 1 Oak Leaf Cluster, Purple Heart, Purple Heart 4 Oak Leaf Cluster, American Campaign Medal, European — African — Middle Eastern Medal, Campaign Medal, World War II Victory Medal, Presidential Unit Medal, Belgian Fourragere, Army of Occupation Medal with German Clasp, Combat Infantry Badge, Sharpshooter Badge — With Rifle Bar and Honorable Service Lapel Button World War II and Good Conduct Medal. Cornelius Nebo Lackey passed away November 4, 1994, and was buried in the family Lackey Cemetery located on the Marrowbone ridge, known as Marrowbone Creek; and

WHEREAS, Cornelius Nebo Lackey was a loving husband, father grandfather, logger and coal miner who served his country with distinction during World War II and was a credit to his community, state and country. It is fitting to honor Cornelius Nebo Lackey by naming the bridge located at Lenore, Mingo County, West Virginia, Route 65 milepost 19.63, which was built in 1947, specifically bridge number 1652, the "Cornelius Nebo Lackey Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge located at Lenore, Mingo County, West Virginia, Route 65 milepost 19.63, which was built in 1947, specifically bridge number 1652 the "Cornelius Nebo Lackey Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Cornelius Nebo Lackey Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation, and to the surviving family and relatives of Cornelius Nebo Lackey.

Delegates White, Marcum, R. Phillips, Stowers, Eldridge, L. Phillips, Moore, Tomblin and Reynolds offered the following resolution, which was read by the Clerk as follows:

H. C. R. 42 - "Requesting the Division of Highways to name all sections of the King Coal Highway, I-73/74, running through Mingo County, West Virginia, the 'Mike Whitt Visionary Leadership Highway'."

WHEREAS, Michael D. "Mike" Whitt was born on June 25, 1952, in Williamson, Mingo County, West Virginia, to John Whitt Jr. and Mary Jane Hatfield-Whitt; and

WHEREAS, Mike Whitt died on Thanksgiving, November 24, 2011, in his beloved Mingo County, in the loving presence of his family; and

WHEREAS, Mike graduated from Matewan High School in 1971; and

WHEREAS, Mike entered Marshall University and graduated in 1975 with a Bachelor of Science degree in Physical Education and Health; and

WHEREAS, Following his graduation in 1975, Mike Whitt continued at Marshall and received a Master's Degree in Education Administration; and

WHEREAS, Mike's early career began in the classroom where he was a Mingo County educator for five years after which he spent eleven years working in the mining industry; and

WHEREAS, In 1987, Mike was elected to the West Virginia House of Delegates at the age of thirty-five and served until 1989; and

WHEREAS, In 1990, Mike assumed the Executive Director position with the Mingo County Redevelopment Authority where he devoted the next twenty-two years of his life as a tireless advocate for his beloved Mingo County and it's citizens; and

WHEREAS, Since the creation of the Mingo County Redevelopment Authority, Mike and countless team members worked diligently to create economic development and diversify the economy, paving the way to a brighter future for all of Mingo County; and

WHEREAS, During 2001, the Mingo County Redevelopment Authority began working with coal companies and permitting agencies to form a plan which would leave post-mined properties more usable after the minerals were extracted by the coal companies; and

WHEREAS, The end result of this collaboration was the passage of Senate Bill 603 which permitted all county governments to adopt a Land Use Master Plan; and

WHEREAS, Mingo County's Land Use Master Plan was the first in the state to be adopted in 2001, allowing Mike and the Mingo County Redevelopment Authority team to create successful partnerships with coal companies, land companies, regulatory agencies and state and federal agencies; and

WHEREAS, In 2004, Mike and the Mingo County Redevelopment Authority were awarded the EPA's Region 3 Phoenix Award, a most prestigious award that recognizes individuals and groups who are working to solve the critical environmental challenge of transforming abandoned industrial areas into productive new uses; and

WHEREAS, Many people have described Mike as a passionate and visionary leader who accomplished many projects during his tenure, the most notable of which are development of the Mingo County Wood Products and Industrial Park; development of the Belo Industrial Park; development of Mingo County Fish Hatchery; construction of the I-73/74 King Coal Highway; construction of the new Mingo Central High School; construction of the Air Transportation Park; and, lastly, the Coal-To-Liquids Plant; and

WHEREAS, Mike was one of three founders of the Hatfield McCoy Trail System, served for a brief time as its Executive Director and is credited with opening the first three-hundred miles of the trail; and

WHEREAS, Mike was the former chairman of the Hatfield-McCoy Regional Recreation Authority, a member of the West Virginia State Recreational Trails Advisory Board, a member of the West Virginia Economic Development Council, past chairman of the Corridor G. Authority Site Selection Committee and a member of the Tug Valley Chamber of Commerce; and

WHEREAS, Mike was a former member of the Employee Advisory Committee at Southern West Virginia Community & Technical College, Williamson Campus, a former member of the College's Board of Advisors, a member of the Williamson Memorial Hospital Board of Trustees and a founding member of the Mingo Central High School Athletic Foundation; and

WHEREAS, Mike had a passion for sports and enjoyed coaching as well as officiating high school basketball, softball and football which he did for twenty-six years; and

WHEREAS, In his free time, Mike enjoyed gardening, attending sporting events and spending time with his beloved family and friends; and

WHEREAS, Mike married Regina Edwards in 1974 and together they had four children: Katrina (Ikie) Whitt-Estepp, Jennifer (Jerad) Whitt-McComas, MaryAnn (Brad) Preece and Michael John Whitt; and

WHEREAS, Mike had one grandchild, Brieann Preece; and

WHEREAS, Mike was of the Christian faith and a member of the Delbarton Church of God; a man of prayer, always giving the full credit and glory of all things to the God of his understanding; and

WHEREAS, On November 24, 2011, West Virginia lost a great man, a great visionary and a monumental champion for the people of Mingo County; and

WHEREAS, Following Mike's death, among the many condolences, statements were issued by:

(1) West Virginia Governor Earl R. Tomblin who stated, "Mike was an exceptional leader with an incredible passion for Mingo County as well as the entire state. From his time and service in the Legislature to his leadership of the Mingo County Redevelopment Authority, the lasting impact of Mike's work can be seen throughout our state, especially Southern West Virginia";

(2) Congressman Nick Joe Rahall, stating, "Mike was a rare breed. He was a thinker and a doer. An architect, designer, businessman, contractor, banker, craftsman, laborer and a street smart handy man whenever, wherever the need arose . . . all rolled into one. He redefined public service with a mix of down home common sense, hard work, ingenuity and innovation. He was light years ahead of others in forging public funding and, above all, creating good paying, sustainable jobs for families. His work will live on here in the county,

our state and country. It sure will live on in the team he created with the Redevelopment Authority. We all can take joy from this occasion that while it came far too soon, that what time we had with him it was a privilege and honor to know this man of faith, family and friends; that our lives will continue to be enriched from the times we shared with him";

(3) Senator Joe Manchin, who stated, "Mike was a visionary. He not only saw the big picture, he drew it and then colored it in with remarkable detail. Then, harnessing his extraordinary determination and organization, Mike built the relationships and partnerships that could make this vision a reality. I cannot even count the legacies that Mike Whitt left in Mingo County and for our entire state. He will never be forgotten and his work will stand for generations to come";

(4) Coworker and Executive Assistant, Leasha Johnson, stating, "I believe in my heart that Mike Whitt, more than anyone I've ever known, was born to make Mingo County a better place. And, that, he did";

(5) Former West Virginia House of Delegate's Member and Current Executive Director of Mingo County Redevelopment Authority, Steve Kominar, who stated, "Mike was a true son of Mingo County and was not shy about that. He loved this county, its people and the future of Mingo County"; and

WHEREAS, Mike gave so much of himself, his heart and his mind to West Virginia and, in particular, to Mingo County, that it is most fitting for a highway which opens Mingo County to the world, a highway that Mike was instrumental in developing, to be his namesake and an everlasting tribute to this great man; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name all sections, existing and to-be-constructed, of the King Coal Highway,

I-73/74, running through Mingo County, West Virginia, the "Mike Whitt Visionary Leadership Highway"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made signs, to be erected at the beginning and end of each section of the Highway and at regular intervals along both sides of the highway, that state, in bold, prominent lettering, the "Mike Whitt Visionary Leadership Highway"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the widow of Mike Whitt, Regina Edwards Whitt, with separate certified copies to his four children, certified copy to the Mingo County Redevelopment Authority, certified copy to the County Commission of Mingo County, and, certified copy to the Secretary of the Department of Transportation.

At the request of Delegate Boggs, and by unanimous consent, reference of the resolution (H. C. R. 42) to a committee was dispensed with, and it was taken up for immediate consideration,

The question now being on the adoption of the resolution, Delegate Moore demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 6)**, 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: Fragale and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 42) adopted.

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Marcum, Moore, White, Stowers, Barill, Hunt, Marshall, Perry, Eldridge, Ferro and Poore:

H. J. R. 30 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section twelve, relating to allowing counties, cities and municipal corporations to approve, by a vote of the people, levies and excess levies by a simple majority of the votes cast for and against the same, notwithstanding any other provision of the Constitution to the contrary; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

COMMITTEE REPORTS

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2397, Authorizing a county commission to temporarily fill vacancies in certain offices,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2397) was referred to the Committee on the Judiciary.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2414, Conveying property to a nonprofit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2414) was referred to the Committee on the Judiciary.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2450, Granting licensed real estate appraisers access to commercial or residential review documents,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2450) was referred to the Committee on the Judiciary.

Delegate Miley, 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. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations,

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

Com. Sub. for H. B. 2505 - "A Bill to amend and reenact §24B-4-6 of the Code of West Virginia, 1931, as amended, relating to civil penalties imposed by the Public Service Commission for pipeline safety violations; increasing civil penalties; providing that civil penalties collected by the Public Service Commission are submitted to

the Treasurer for deposit in the General Revenue Fund; and prohibiting consideration of assessed penalties for rate increases,"

With the recommendation that the committee substitute do pass.

MESSAGES FROM THE EXECUTIVE

The Clerk read a letter from the Legislative Rule-Making Review Committee as follows:

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

February 15, 2013

The Honorable Gregory M. Gray
Clerk, House of Delegates
State Capitol
Charleston, WV 25305

The Honorable Joseph Minard
Clerk, Senate
State Capitol
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairmen of the Legislative Rule-Making Review Committee, are requesting that, the names of all Committee members be placed upon the draft bills as sponsors in their respective houses, except for those members who specifically request otherwise. Attached is a list of the Committee members.

Thank you for your cooperation.

Sincerely,

HERB SNYDER,
Senate.

MESHEA POORE,
House of Delegates.

Whereupon,

Mr. Speaker, Mr. Thompson, presented the report of the Legislative Rule-Making Review Committee in accordance with section twelve, article three, chapter twenty-nine of the code, which was read by the Clerk, and the accompanying rules were referred as follows:

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee
February 15, 2013

West Virginia Legislature
State Capitol
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairmen of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the

Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended has been drafted by the staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:

Administrative Hearings, Office of

Appeal Procedures, 105CSR1 [H. B. 2610].

Agriculture, WV Department of

Animal Disease Control, 61CSR1 [H. B. 2611].

Barbers and Cosmetologists, WV Board of

Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists, 3CSR1 [H. B. 2612].

Consolidated Public Retirement Board

West Virginia State Police, 162CSR9 [H. B. 2613].

Dental Examiners, WV Board of

Rule for the WV Board of Dental Examiners, 5CSR1 [H. B. 2614].

Dental Examiners, WV Board of

Expanded Duties of Dental Hygienists and Dental Assistants, 5CSR13 [H. B. 2615].

DEP - Air Quality

Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality, 45CSR14 [H. B. 2616].

DEP - Air Quality

Standards of Performance for New Stationary Sources, 45CSR16 [H. B. 2617].

DEP - Air Quality

Control of Air Pollution From Combustion of Solid Waste, 45CSR18 [H. B. 2618].

DEP - Air Quality

Control of Air Pollution From Hazardous Waste Treatment, Storage and Disposal Facilities, 45CSR25 [H. B. 2619].

DEP - Air Quality

Requirements for Operating Permits, 45CSR30 [H. B. 2620].

DEP - Air Quality

Emission Standards for Hazardous Air Pollutants, 45CSR34 [H. B. 2621].

DEP - Water and Waste Management

Hazardous Waste Administrative Proceedings and Civil Penalty Assessment, 33CSR27 [H. B. 2622].

DEP - Water Resources, Office of

Water Pollution Control Permit Fee Schedules, 47CSR26 [H. B. 2623].

DEP - Water Resources, Office of

WV/NPDES Regulations for Coal Mining Facilities, 47CSR30 [H. B. 2624].

Development Office, WV

Use of Coalbed Methane Severance Tax Proceeds, 145CSR13 [H. B. 2625].

Governor's Committee on Crime, Delinquency and Corrections
Law Enforcement Training and Certification Standards, 149CSR2 [H. B. 2626].

Health, WV Bureau for Public
Grade "A" Pasteurized Milk, 64CSR34 [H. B. 2627].

Health, WV Bureau for Public
Regulation of Opioid Treatment Programs, 64CSR90 [H. B. 2628].

Labor, WV Division of
Crane Operator Certification Act - Practical Examination, 42CSR25 [H. B. 2629].

Natural Resources, WV Division of
Special Boating Rules, 58CSR26 [H. B. 2630].

Natural Resources, WV Division of
Defining the Terms Used in all Hunting and Trapping Rules, 58CSR46 [H. B. 2631].

Natural Resources, WV Division of
Prohibitions When Hunting and Trapping, 58CSR47 [H. B. 2632].

Natural Resources, WV Division of
General Trapping Rule, 58CSR53 [H. B. 2633].

Natural Resources, WV Division of
Special Waterfowl Hunting, 58CSR58 [H. B. 2634].

Natural Resources, WV Division of
Special Fishing Rule, 58CSR61 [H. B. 2635].

Racing Commission, WV
Greyhound Racing, 178CSR2 [H. B. 2636].

Racing Commission, WV
Pari-Mutuel Wagering, 178CSR5 [H. B. 2637].

Real Estate Appraiser Licensing and Certification Board, WV
Renewal of Licensure - Qualifications for Renewal, 190CSR3 [H. B. 2638].

Social Work, WV Board of
Applications, 25CSR4 [H. B. 2639].

Social Work, WV Board of
Continuing Education for Social Workers and Providers, 25CSR5 [H. B. 2640].

Social Work, WV Board of
Code of Ethics, 25CSR7 [H. B. 2641].

Speech Pathology and Audiology, WV Board of Examiners for
Licensure of Speech-Pathology and Audiology, 29CSR1 [H. B. 2642].

The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:

Administration, WV Department of
Rules for Selecting Design-Builds Under the Design-Build Procurement Act, 148CSR11 [H. B. 2643].

Administration, WV Department of
State Owned Vehicles, 148CSR3 [H. B. 2644].

Agriculture, WV Department of
Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas, 61CSR28 [H. B. 2645].

Architects, WV Board of
Registration of Architects, 2CSR1 [H. B. 2646].

Athletic Commission, WV State
Administrative Rules of the WV State Athletic Commission Regulating Mixed Martial Arts, 177CSR2 [H. B. 2647].

Barbers and Cosmetologists, WV Board of
Barber Apprenticeship, 3CSR13 [H. B. 2648].

Barbers and Cosmetologists, WV Board of
Operational Standards for Schools fo Barbering and Beauty Culture, 3CSR4 [H. B. 2649].

Broadband Deployment Council, WV
Broadband Deployment Grants Program, 208CSR1 [H. B. 2650].

Conservation Committee, State
Operation of WV State Conservation Committee and Conservation Districts, 63CSR1 [H. B. 2651].

Consolidated Public Retirement Board
General Provisions, 162CSR1 [H. B. 2652].

Consolidated Public Retirement Board
Benefit Determination and Appeal, 162CSR2 [H. B. 2653].

Consolidated Public Retirement Board
Teachers' Retirement System, 162CSR4 [H. B. 2654].

Consolidated Public Retirement Board
Public Employee Retirement System, 162CSR5 [H. B. 2655].

Dental Examiners, WV Board of
Practitioner Requirement for Accessing the WV Controlled Substance Monitoring Program Database, 5CSR10 [H. B. 2656].

Dental Examiners, WV Board of
Continuing Education Requirements, 5CSR11 [H. B. 2657].

DEP - Oil and Gas
Rules Governing Horizontal Well Development, 35CSR8 [H. B. 2658].

DEP - Waste Management
Covered Electronic Devices Recycling Rule, 33CSR12 [H. B. 2659].

Fire Commission, WV State
State Building Code, 87CSR4 [H. B. 2660].

Fire Commission, WV State
Volunteer Firefighters' Training, Equipment and Operating Standards, 87CSR8 [H. B. 2661].

Governor's Committee on Crime, Delinquency and Corrections
Protocol for Law Enforcement Response to Stalking, 149CSR7 [H. B. 2662].

Governor's Committee on Crime, Delinquency and Corrections
Protocol for Law Enforcement Response to Child Abuse and Neglect, 149CSR8 [H. B. 2663].

Hatfield-McCoy Regional Recreation Authority, WV
Rules for Use of Facilities, 204CSR1 [H. B. 2664].

Health and Human Resources, WV Department of
Regulations of Opioid Treatment Programs, 69CSR7 [H. B. 2665].

Health and Human Resources, WV Department of
Child Care Centers Licensing, 78CSR1 [H. B. 2666].

Health and Human Resources, WV Department of

Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in WV, 78CSR3 [H. B. 2667].

Health Care Authority, WV

WV Health Information Network Rule, 65CSR28 [H. B. 2668].

Health, WV Bureau for Public

Pulse Oximetry Newborn Testing, 64CSR100 [H. B. 2669].

Health, WV Bureau for Public

General Sanitation, 64CSR18 [H. B. 2670].

Health, WV Bureau for Public

Fees for Services, 64CSR51 [H. B. 2671].

Health, WV Bureau for Public

Reportable Diseases, Events and Conditions, 64CSR7 [H. B. 2672].

Highways, WV Division of

Transportation of Hazardous Wastes Upon the Roads and Highways, 157CSR7 [H. B. 2673].

Insurance Commission, WV

Provider Sponsored Networks, 114CSR43A [H. B. 2674].

Labor, WV Division of

Bedding and Upholstered Furniture, 42CSR12 [H. B. 2675].

Labor, WV Division of

Amusement Rides and Amusement Attractions Safety Act, 42CSR17 [H. B. 2676].

Labor, WV Division of

Supervision of Elevator Mechanics and Apprentices, 42CSR21A [H. B. 2677].

Labor, WV Division of

Crane Operator Certification Act, 42CSR24 [H. B. 2678].

Lottery Commission, WV

State Lottery Rules, 179CSR1 [H. B. 2679].

Medicine, WV Board of

Practitioner Requirements for Accessing the WV Contolled Substances Monitoring Program Database, 11CSR10 [H. B. 2680].

Medicine, WV Board of

Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, 11CSR1b [H. B. 2681].

Medicine, WV Board of

Continuing Education for Physicians and Podiatrists, 11CSR6 [H. B. 2682].

Miners Training, Education, and Certification, WV Board of

Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians, 48CSR7 [H. B. 2683].

Motor Vehicles, WV Division of

Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Motor Vehicle Operating Privileges, 91CSR5 [H. B. 2684].

Natural Resources, WV Division of

Special Motorboating Regulations, 58CSR27 [H. B. 2685].

Natural Resources, WV Division of
Deer Hunting Rule, 58CSR50 [H. B. 2686].

Natural Resources, WV Division of
Falconry, 58CSR65 [H. B. 2687].

Optometry, WV Board of
Continuing Education, 14CSR10 [H. B. 2688.]

Optometry, WV Board of
Schedule of Fees, 14CSR5 [H. B. 2689].

Osteopathic Medicine, WV Board of
Licensing Procedures for Osteopathic Physicians, 24CSR1 [H. B. 2690].

Osteopathic Medicine, WV Board of
Osteopathic Physician Assistants, 24CSR2 [H. B. 2691].

Osteopathic Medicine, WV Board of
Practitioner Requirements for Controlled Substances Licensure and Accessing the WV Controlled Substances Database, 24CSR7 [H. B. 2692].

Pharmacy, WV Board of
Ephedrine and Pseudoephedrine Control, 15CSR11 [H. B. 2693].

Pharmacy, WV Board of
Controlled Substances Monitoring, 15CSR8 [H. B. 2694].

Protective Services, WV Division of
Contracted Police or Security Services, 99CSR5 [H. B. 2695].

Real Estate Appraiser Licensing and Certification Board, WV
Requirements for Licensure and Certification, 190CSR2 [H. B. 2696].

Registered Professional Nurses, WV Board of Examiners for
Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing, 19CSR12 [H. B. 2697].

Registered Professional Nurses, WV Board of Examiners for
Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database, 19CSR14 [H. B. 2698].

Registered Professional Nurses, WV Board of Examiners for
Announcement of Advanced Practice, 19CSR7 [H. B. 2699].

Registered Professional Nurses, WV Board of Examiners for
Limited Prescriptive Authority for Nurses in Advanced Practice, 19CSR8 [H. B. 2700].

Secretary of State
Uniform Commercial Code, Revised Article 9, 153CSR35 [H. B. 2701].

Secretary of State
Administration of the Address Confidentiality Program, 153CSR37 [H. B. 2702].

Secretary of State
Regulation of Political Party Headquarters Financing, 153CSR43 [H. B. 2703].

Secretary of State
Regulation of Late Voter Registration, 153CSR44 [H. B. 2704].

Senior Services, WV Bureau of
In-Home Care Worker Registry, 76CSR2 [H. B. 2705].

Social Work, WV Board of

Qualifications for the Profession of Social Work, 25CSR1 [H. B. 2706].

Social Work, WV Board of

Fee Schedule, 25CSR3 [H. B. 2707].

Tax Department, WV State

Valuation of Commercial and Industrial Real and Personal Property for Ad Valorem Property Tax Purposes, 110CSR1P [H. B. 2708].

Treasurer's Office, WV State

Rule for Enforcement of the Uniform Unclaimed Property Act, 112CSR5 [H. B. 2709].

Veterinary Medicine, WV Board of

Organization and Operation and Licensing of Veterinarians, 26CSR1 [H. B. 2710].

Veterinary Medicine, WV Board of

Schedule of Fees, 26CSR6 [H. B. 2711].

The Committee submits the following legislative rule which was modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the rule be authorized for adoption by the agency with amendments:

Racing Commission, WV

Thoroughbred Racing, 178CSR1 [H. B. 2712].

The Committee submits the following legislative rule which was amended by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, and which was approved by the

Committee with the recommendation that the rule be authorized for adoption by the agency with amendments:

Optometry, WV Board of

Expanded Therapeutic Procedures Certificate, 14CSR12 [H. B. 2713].

The Committee submits the following legislative rule with the recommendation that the rule be withdrawn by the agency pursuant to West Virginia Code §29A-3-14:

Health and Human Resources, WV Department of

Chronic Pain Management Clinic Licensure, 69CSR8 [H. B. 2714].

BILLS INTRODUCED

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

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2610 – "A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to promulgate a legislative rule relating to appeal procedures"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2611 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control"; to the Committee on Agriculture then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2612 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2613 – "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2614 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the Board"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2615 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2616 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2617 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2618 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from the combustion of solid waste"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2619 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2620 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2621 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2622 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste administrative proceedings and civil penalty assessment"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2623 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to water pollution control permit fee schedules"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2624 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to the WV/NPDES regulations for coal mining facilities"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2625 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Development Office to promulgate a legislative rule relating to the use of coaled methane severance tax proceeds"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2626 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training and certification standards"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2627 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Grade 'A' pasturized milk"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2628 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2629 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the Crane Operator Certification Act - practical examination"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2630 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2631 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping rules"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2632 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2633 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to

authorizing the Division of Natural Resources to promulgate a legislative rule relating to general trapping"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2634 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2635 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer and Eldridge:

H. B. 2636 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer and Eldridge:

H. B. 2637 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2638 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure - qualifications for renewal"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2639 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to applications"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2640 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to continuing education for social workers and providers"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2641 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to a code of ethics"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2642 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of

speech-pathology and audiology"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2643 – "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to selecting design-builders under the Design-Build Procurement Act"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2644 – "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2645 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2646 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2647 – "A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Athletic Commission to promulgate a legislative rule relating to mixed martial arts"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleischauer and Eldridge:

H. B. 2648 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer and Eldridge:

H. B. 2649 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operational standards for schools of barbering and beauty culture"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2650 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Broadband Deployment Council to promulgate a legislative rule relating to broadband deployment grants programs"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2651 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Committee to promulgate a legislative rule relating to the operation of the West Virginia State Conservation Committee and conservation districts"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2652 – "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to general provisions"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2653 – "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to benefit determination and appeal"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2654 – "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers' Retirement System"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich and Eldridge:

H. B. 2655 – "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Public Employees Retirement System"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2656 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2657 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dental Examiners to promulgate a legislative rule relating to continuing education requirements"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2658 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to horizontal well development"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleischauer, Frich, Eldridge and Sobonya:

H. B. 2659 – "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to covered electronic devices recycling"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2660 – "A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to the state building code"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2661 – "A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2662 - "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law enforcement response to stalking"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2663 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law enforcement response to child abuse and neglect"; to the Committee on the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2664 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Hatfield-McCoy Regional Recreation Authority to promulgate a legislative rule relating to rules for use of the facility"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2665 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment

programs"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2666 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing"; to the Committee on Heath and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2667 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2668 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the West Virginia Health Information Network"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2669 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pulse oximetry newborn testing"; to the Committee on Heath and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2670 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to general sanitation"; to the Committee on Heath and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2671 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for services": to the Committee on Heath and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2672 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to reportable diseases, events and conditions" to the Committee on Heath and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2673 – "A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2674 – "A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Insurance Commissioner to promulgate a legislative rule relating to provider sponsored networks"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2675 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2676 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the Amusement Rides and Amusement Attractions Safety Act"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2677 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the supervision of elevator mechanics and apprentices"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2678 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule

relating to the Crane Operator Certification Act"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer and Eldridge:

H. B. 2679 – "A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2680 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program data base"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2681 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2682 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatrists"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2683 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Miners Training, Education and Certification to promulgate a legislative rule relating to the standards for certification of coal mine electricians"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2684 – "A Bill to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals and reinstatement of motor vehicle operating privileges"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2685 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2686 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2687 – "A Bill to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry"; to the Committee on Natural Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2688 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2689 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to a schedule of fees"; to the Committee Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2690 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians"; to the Committee Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2691 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants"; to the Committee Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2692 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and accessing the West Virginia controlled substances monitoring program database"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2693 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to ephedrine and pseudoephedrine control"; which was referred to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2694 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2695 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Protective Services to promulgate a legislative rule relating to contracted police or security services"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2696 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2697 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the Board and supplemental renewal fee for the center for nursing"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2698 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2699 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to the announcement of advanced practice"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2700 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2701 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Uniform Commercial Code"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2702 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to administration of the address confidentiality program"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2703 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of political party headquarters financing"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2704 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Secretary of State to promulgate a legislative rule relating to the regulation of late registration"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2705 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Bureau of Senior Services to promulgate a legislative rule relating to the in-home care worker registry"; to the Committee on Senior Citizen Issues then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2706 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession social work"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2707 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to a fee schedule"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2708 – "A Bill to amend and reenact article 7, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to the valuation of commercial and industrial real and personal property for ad valorem property tax purposes"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2709 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to the enforcement of the Uniform Unclaimed Property Act"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2710 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the organization and operation and licensing of veterinarians"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2711 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees"; to the Committee on Government Organization then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2712 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing"; to the Committee on Finance then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich and Eldridge:

H. B. 2713 – "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Optometry to promulgate a legislative rule relating to expanded therapeutic procedures certificates"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Poore, Marcum, Fleishchauer, Frich, Eldridge and Sobonya:

H. B. 2714 – "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure"; to the Committee on Finance then Judiciary.

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

By. Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2715 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §5A-3-10d, §5A-3-10e and §5A-3-60; and to amend and reenact §9-2-9b of said code, all relating generally to purchasing; authorizing reverse auction pilot program for purchasing commodities; defining 'reverse auction'; permitting third-party vendors to administer reverse auctions; affording the director of the Purchasing Division rule-making authority to implement reverse auction pilot program; providing that reverse auction pilot program expires on July 1, 2017; authorizing prequalification agreements and the secondary bid process for the direct procurement of commodities; defining 'state', 'prequalification agreement', 'prequalified vendor' and the 'secondary bid process'; requiring approval of the director of the Purchasing Division for prequalification agreement, secondary bid process procurements anticipated to cost in excess of $50,000; affording the director of the Purchasing Division rule-making authority to establish procedures regarding prequalification agreements, prequalification, the secondary bid process, and related matters; requiring certain executive department officials to attend annual training on purchasing procedures; and

repealing the Department of Health and Human Resources' Medicaid purchasing exemption"; to the Committee on Finance.

By Delegates Diserio, Walker, Ferro, Skinner, Barill, Swartzmiller, E. Nelson, Ellem, Storch, Marcum and White:

H. B. 2716 – "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Fairness in Competitive Bidding Act, specifically, to lower the threshold amount, from $500,000 to $100,000, for triggering a low bidder's duty to submit list of subcontractors on government contracts"; to the Committee on the Judiciary then Finance.

By Delegates Ashley, Skaff, Raines, Swartzmiller, Ferns, Reynolds, Stowers, White, Miley and Walker:

H. B. 2717 – "A Bill to amend and reenact §7-14-1 of the Code of West Virginia, 1931, as amended, relating to requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification"; to the Committee on the Judiciary then Finance.

By Delegate Howell:

H. B. 2718 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17-38, relating to the creation of the Keyser-McCool Bridge Fund; construction of the Keyser-McCool Bridge; and the termination of the fund"; to the Committee on Roads and Transportation then Finance.

By Delegates Marcum, Moore, Craig, Walker, Boggs, Tomblin, R. Phillips, Eldridge, Stowers, Diserio and White:

H. B. 2719 – "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special registration plates that read 'In God We Trust'"; to the Committee on Roads and Transportation then Finance.

By Delegates Overington, Rowan, Ireland and Sobonya:

H. B. 2720 – "A Bill to amend and reenact §60-7-10 and §60-7-12 of the Code of West Virginia, 1931, as amended, all relating to

requiring private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays; requiring patrons of those clubs to exit the club no later than sixty minutes after the dispensing of nonintoxicating beer, wine or alcoholic liquors has ceased; providing criminal penalties; and updating statutory language"; to the Committee on the Judiciary then Finance.

By Delegates Moye, Staggers, D. Poling, A. Evans, Romine, P. Smith and Walker:

H. B. 2721 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11B-1, §5-11B-2 and §5-11B-3, all relating to establishing the West Virginia Religious Freedom Restoration Act; short title; definitions; applicability; construction; and remedies"; to the Committee on the Judiciary.

By Delegate D. Poling

[By Request of the Public Service Commission]:

H. B. 2722 – "A Bill to amend and reenact §24B-5-3 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of special license fees paid by pipeline companies to the Public Service Commission"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Faircloth:

H. B. 2723 – "A Bill to amend and reenact §8-10-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-2-3b; and to amend said code by adding thereto two new sections designated §59-1-11b and §59-1-11c, relating to bail bond surcharge, providing for collection of a surcharge and creating a special revenue account in the State Treasury to be known as the Bail Bond Surcharge Special Fund"; to the Committee on the Judiciary then Finance.

By Delegates Staggers, Perry and Moye:

H. B. 2724 – "A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating to the Emergency

Medical Services Act; requiring ambulance operator be certified as Emergency Medical Vehicle Operator; and requirements for application renewal of emergency medical service personnel certificate"; to the Committee on Health and Human Resources then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2725 – "A Bill to repeal §18-2-23a and §18-2-32 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-5c of said code; to repeal §18-2I-6 and §18-2I-7 of said code; to repeal §18A-3A-2a and §18A-3A-6 of said code; to amend and reenact §18-2-24 of said code; to amend said code by adding thereto a new section, designated §18-2-39; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-2I-1, §18-2I-2, §18-2I-3, §18-2I-4 and §18-2I-5 of said code; to amend and reenact §18-3-1 and §18-3-12 of said code; to amend and reenact §18-5-18, §18-5-44 and §18-5-45 of said code; to amend and reenact §18-5A-5 of said code; to amend and reenact §18A-2-7 of said code; to amend and reenact §18A-3A-1, §18A-3A-2 and §18A-3A-3 of said code; to amend said code by adding thereto two new sections, designated §18A-3-1d and §18A-3-1e; to amend and reenact §18A-3-2a of said code; to amend and reenact §18A-4-2a, §18A-4-7a, §18A-4-8 and §18A-4-14 of said code; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-4-1, §18C-4-2 and §18C-4-4 of said code; and to amend said code by adding thereto three new sections, designated §18C-4-2a, §18C-4-3a and §18C-4-6, all relating to transforming and improving public education; removing outdated language; requiring the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college and career readiness standards for English/language arts and math; providing methods for determining whether students have met the college and career readiness standards; requiring that an explicit focus be embedded in

each course on the development of English/language arts and math skills; requiring a twelfth-grade transitional course for both English/language arts and math for students not on track to be college ready; requiring professional development on teaching the college and career readiness standards to be included in the state board's Master Plan for Professional Staff Development; requiring the state board to require all teacher preparation programs to include appropriate training for teaching adopted standards in at least grades eight through twelve; requiring the use of certain assessments, exams or tests for determining whether a student is eligible for a remedial course; requiring accountability for increasing the percentage of students who meet the standards and for increasing the percentage of students who are making adequate progress toward meeting the standards; deleting requirement that a school or school system that achieves adequate yearly progress is eligible for no less than full accreditation or approval status as applicable; eliminating obsolete Process for Improving Education Council; establishing new criteria for state accreditation of public schools; removing obsolete language; allowing for college and career readiness standards to be included in student assessment measures; removing language that restricts writing assessments to certain grade levels; removing language that restricts appropriate measures of student performance to be used in an assessment of a school; requiring the board to promulgate a new rule for a revised set of annual measures for the accountability and accreditation system to meet the needs of a federal waiver from No Child Left Behind; removing prescriptive language preventing the accreditation system to adequately measure student performance; requiring the state board to promulgate a new rule for state accreditation of schools and school systems; mandating a report due to Governor and Legislative Oversight Committee on Education Accountability on or before December 1, 2013; requiring annual reports; setting forth potential measures for the accreditation system; professional development; establishing clear state level leadership of professional development; providing findings on the importance of professional development; requiring state board of

education to develop a master plan for professional development; manner in which coordination, development and evaluation of professional development programs by the state board shall be done; establishing a rule that shall include measurable standards; requiring state board approval of plans from Department of Education, the Center for Professional Development, state institutions of higher education and regional education service agencies; annual report of professional development; requirements for state superintendent of schools; increasing the number of schools to be included in a special community development pilot program; allowing the pilot program to consult the center for professional development for professional development resources; requiring kindergarten and early childhood aides to be licensed; exempting those eligible for retirement before July 1, 2016; requiring early childhood programs to be offered five days a week for the full day; providing for local control of the school calendar; defining terms and establishing findings about a schools calendar; two hundred day employment term for teachers; one hundred eighty separate days of actual instruction are to be provided by students; county policy for adding minutes or days to school calendar for time lost to the instructional term; one hundred eighty days must be within a three hundred sixty-five day calendar set by the county board; limiting noninstructional interruptions to instructional day; requiring state board or state superintendent approval of proposed county calendar; public meetings for discussions of a school system's calendar; waiver from code sections that prevent a school system from meeting one hundred eighty instructional days; board rule to implement the calendar section provisions; faculty senate procedure for making employment recommendations; removing language about faculty senates on instructional support and enhancement days; assignment of teachers when a vacancy was not foreseen before March 1 based on pupil-teacher ratio; allowing participants in Teach for America to become classroom teachers; creating a critical need alternative teacher certificate; two year certificate and a one year renewal of the critical need alternative teacher certificate; minimum

requirements to received a critical need alternative teacher certificate; creating a professional support team for these new teachers; recommendation for certification of teachers on the critical need alternative teaching certificate by support team and state superintendent; amending requirements for professional teaching certificates through alternative certifications; further defining critical need alternative teaching certificates; removing language that limits the number of board certified teachers that can receive reimbursement per year; clarifying that teachers can receive reimbursement for re-certification; adding seniority to the list of factors to be considered for hiring of filling vacancies in professional positions of employment; eliminating restrictive hiring language for classroom teaching positions; allowing county boards to give consideration to recommendations made by the principal and the faculty senate; allowing released employees to be hired for specific vacancies prior to the job being posted; limiting bumping to within a school; allow for multiple postings within a thirty day period; removing language that limits internal school bumping to elementary school; re-assigning a teacher within their school upon consent of teacher and county board; eliminating the forty-three week restriction of service personnel contracts; defining the three different types of early childhood classroom assistant teacher certificates; clarifying the length of a teachers duty free planning period; duties of other school employees and substitute teachers during a teacher's planning period; clarifying that not all holidays will be counted toward as a day of the employment term; snow days not counted as days of employment or days of instruction; calculation of pay for professional and service personnel on snow days; loan assistance for teachers in critical need areas; awarding loan assistance; determining eligibility for loan assistance; criteria for teacher compliance with terms of loan assistance agreement; payments made directly to a lending entity; model contract agreements for loan assistance; amount, limits and duration of loan assistance; and repayment if loan assistance conditions are not met by applicant"; to the Committee on Education then Finance.

HOUSE CALENDAR

THIRD READING

Com. Sub. for H. B. 2173, Relating to funeral expenses for indigent persons; 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. 7)**, 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: Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2173) passed.

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

FIRST READING

H. B. 2477, Permitting certain auxiliary lighting on motorcycles; on first reading, coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

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

At 1:36 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, February 26, 2013.

TUESDAY, FEBRUARY 26, 2013

FOURTEENTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Monday, February 25, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates Gearheart, Householder, Ellington, Howell, Espinosa, Staggers, Overington, Manypenny, Sumner, Moore and Paxton offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 43 - "Designating 'Take Me Home, Country Roads' written by John Denver, Taffy Nivert, and Bill Danoff and initially recorded by John Denver, an official state song of West Virginia."

WHEREAS, There are currently three official West Virginia state songs, designated by House Concurrent Resolution No. 19, adopted February 28, 1963: "This is My West Virginia", "The West Virginia Hills", and "West Virginia, My Home Sweet Home"; and

WHEREAS, "Take Me Home, Country Roads" has a pleasing and memorable tune and the lyrics are an apt poetic description of our landscape and heritage; and

WHEREAS, "Take Me Home, Country Roads" was written in 1970 and released in 1971, was included on John Denver's breakout album "Poems, Prayers and Promises", and reached #2 as a single on the Unites States Billboard "Hot 100" chart; and

WHEREAS, "Take Me Home, Country Roads" has remained a popular and oft-repeated song for the last forty years with words and a tune well known nationwide and easily sung by most West Virginians living both in and out of the state; and

WHEREAS, "Take Me Home, Country Roads" is performed regularly at most important events within the state, such as the memorial service for Senator Robert C. Byrd, the dedication ceremony of Mountaineer Field, and the pregame and post game ceremonies at athletic events at West Virginia University; and

WHEREAS, The lyrics to "Take Me Home, Country Roads" are often quoted by popular celebrities and political figures, such as former Senator and Secretary of State Hillary Clinton, when referring to our state; and

WHEREAS, The song has been covered by artists from Ray Charles to Olivia Newton-John to the Hermes House Band to the Black Tartan Clan; and

WHEREAS, The song is an international hit, evidenced by its status as one of the most popular tunes played at Munich's Octoberfest; and

WHEREAS, "Take Me Home, Country Roads" is featured in award-winning films, such as the Japanese hit "Whispers in the Heart"; and

WHEREAS, "Take Me Home, Country Roads" fosters a positive image of West Virginia to a national and international audience; therefore, be it

Resolved by the Legislature of West Virginia:

That "Take Me Home, Country Roads," written by John Denver, Taffy Nivert and Bill Canoff be designated an official state song; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Governor of the State of West Virginia.

Delegates Boggs, Barrett, Campbell, Caputo, Craig, Diserio, Eldridge, Faircloth, Ferns, Ferro, Fleischauer, Fragale, Hamilton, Hartman, Jones, Lawrence, Longstreth, Lynch, Manypenny, Marcum, Marshall, Moore, Morgan, Moye, Paxton, Perry, Pethtel, L. Phillips, R. Phillips, D. Poling, Poore, Reynolds, Skaff, Skinner, P. Smith, Sponaugle, Staggers, Stephens, Stowers, Tomblin, Walker, Wells, White and Young offered the following resolution, which was read by the Clerk as follows:

H. R. 12 - "Designating February 26, 2013 as 'Community Action Day'."

WHEREAS, Community Action Agencies have been serving low income families throughout West Virginia's fifty-five counties for more than fifty years, striving to identify the cause of poverty and assisting the impoverished in achieving self-sufficiency; and

WHEREAS, Community Action Agencies conduct numerous programs to meet the needs of low income West Virginians including Head Start, home weatherization, utility assistance, job training and placement, nutrition for children and the elderly, education assistance, family mentoring and many others; and

WHEREAS, The employees of Community Action Agencies fight to improve the lives of all West Virginians and are gifted with the ability to see need and find fulfilment, to see sadness and find hope, and to see helplessness and find strength; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates February 26, 2013 as "Community Action Day"; and, be it

Further Resolved, That the House of Delegates invites all members of the West Virginia Legislature and all citizens of West Virginia to join in recognizing the value and importance of community action programs in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the West Virginia Community Action Partnership.

At the request of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

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

Your Committee on Education has had under consideration:

H. B. 2563, Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students,

And,

H. B. 2566, Relating to institutional operating budgets,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2563 and H. B. 2566) were each referred to the Committee on Finance.

Delegate Miley, 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. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations,

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

Com. Sub. for H. B. 2314 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-6-9a, relating to authorizing a family court judge to order the emergency custody of a child in the physical custody of a party to an action or proceeding before the family court; requiring the Department of Health and Human Resources to immediately respond and assist the family court judge in emergency placement of the child; and providing additional procedures when a child is ordered taken into emergency custody,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2487, Prohibiting the use of laetrile,

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

Delegate Miley, 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. 2460, Creating a new offense for child neglect,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2460) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

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

Com. Sub. for S. B. 145 - "A Bill to amend and reenact §3-1-50 of the Code of West Virginia, 1931, as amended, relating to the administrative procedure in response to election-related complaints; clarifying language to allow the procedure to be utilized for certain federal election violations; and providing an exception to the procedure for certain allegations that may result in a finding of a criminal violation"; which was referred to the Committee on the Judiciary.

PETITIONS

Delegates Sponaugle and A. Evans presented a petition signed by 972 of their constituents, requesting that the Legislature act with urgency to direct the Department of Highways to craft and implement a permanent solution to the public safety hazard that exists on Allegheny Mountain, between Seneca Rocks and Harman, Route 33; which was referred to the Committee on Roads and Transportation.

Delegate Walker presented a petition on behalf of his constituents, requesting attention and consideration for installing guardrails along Rt. 15/4 (Taylor Fork Road) in the Enoch area of Clay County; which was referred to the Committee on Roads and Transportation.

BILLS INTRODUCED

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

By Mr. Speaker, Mr. Thompson

[By Request of the Executive]:

H. B. 2726 – "A Bill to amend and reenact §25-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §28-5-27 of said code; to amend said code by adding thereto two new sections, designated §31-20-5g and §31-20-5h; to amend and reenact §61-7-6 of said code; to amend and reenact §62-11A-1a of said code; to amend and reenact §62-11B-9 of said code; to amend and reenact §62-11C-2, §62-11C-3 and §62-11C-6 of said code; to amend said code by adding thereto a new section, designated §62-11C-10; to amend and reenact §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code; to amend said code by adding thereto a new section, designated §62-12-29; to amend and reenact §62-15-2 of said code; and to amend said code by adding thereto a new section, designated §62-15-6a, all relating to public safety; requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; mandating a maximum of one year of supervised release for violent inmates; mandating a maximum of one hundred eighty days of supervised release for nonviolent inmates; requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; requiring the Regional Jail Authority to utilize a standardized pretrial risk screening instrument adopted by the Supreme Court of Appeals of West Virginia; requiring the authority to develop and implement cognitive behavioral programming for inmates in regional jails committed to the custody of the Commissioner of Corrections; exempting parole officers from prohibitions against carrying concealed weapons; moving definition of 'day report center' to section relating to conditions of release on probation; providing standards and limitations under which judges and magistrates may

impose a period of supervision or participation in community corrections; clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; adding representative of the Bureau for Behavioral Health and Health Facilities to the community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction; providing that the community corrections subcommittee review, assess and report on the implementation of evidence-based practices in the criminal justice system; adding member with a background in substance abuse treatment and services to the community criminal justice boards of each county or combination of counties; providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs, and provide annual report; requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to the same; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority; providing standards and limitations under which judges may impose a term of reporting to a day report center or other community corrections program as a condition of probation; authorizing day reporting center programs to provide services based on the results of a person's standardized risk and needs assessment; providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding or committing a misdemeanor or felony; revising eligibility requirements for accelerated parole program; requiring that Division of Corrections' policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results; providing for rebuttable presumption that parole is appropriate for inmates completing the

accelerated parole program and a rehabilitation treatment program; providing standards and limitations for Parole Board; outlining duties of the Division of Corrections to supervise, treat and provide support services for all people released on mandatory supervised release; removing temporal standard for requirement that the Parole Board have access to a copy of an inmate's physical, mental or psychiatric examination; authorizing employment of a director of housing for released inmates with duties relating to the reduction of parole release delays; requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner's supervision standards; authorizing the Commissioner of Corrections to issue a certificate authorizing a parole officer to carry firearms or concealed weapons; providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole; authorizing the Commissioner of Corrections to enter into a master agreement with the Division of Justice and Community Services to reimburse counties for use of the community corrections programs; providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding or committing a misdemeanor or felony; providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole; providing for a Community Supervision Committee to be appointed by the administrative director of the Supreme Court of Appeals of West Virginia to coordinate the sharing of information for community supervision and requiring submittal of an annual report; revising definitions; providing standards and limitations under which judges may order treatment supervision for drug offenders; requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to serve those under treatment supervision in each judicial circuit; providing that the Division of Justice and Community Services is responsible for developing

standards relating to quality and delivery of substance abuse services, requiring certain education and training, paying for drug abuse assessments and certified drug treatment from appropriated funds, and requiring submittal of an annual report; outlining duties of treatment supervision service providers; and making technical changes"; to the Committee on the Judiciary then Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 2727 – "A Bill to amend and reenact §18-9A-7 and §18-9A-8a of the Code of West Virginia, 1931, as amended, all relating to the school aid formula; adjusting the foundation school program allowance for transportation costs; restricting the ten percent additional percentage allowance for alternative fuel vehicles to school buses using compressed natural gas or propane; adjusting the foundation allowance by reducing the maximum allocation for regional education service agencies (RESA)"; to the Committee on Education then Finance.

By Delegates Paxton, Kump, Sobonya, Miller, Poore, Guthrie, L. Phillips, Staggers, Wells and Hamilton:

H. B. 2728 – "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to allowing a disabled veteran operating a vehicle bearing a disabled veteran special registration plate to park in a designated accessible parking space without an accessible parking special registration plate or windshield placard"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Perry, Perdue, Boggs, Miley, M. Poling, Poore, Fleischauer, Marshall, Armstead, Ellington and Pasdon:

H. B. 2729 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22c, relating to allowing schools to voluntarily maintain and use epinephrine auto-injectors; providing for the administration of an

auto-injector by a school nurse or other trained and authorized nonmedical school personnel for emergency care or treatment of anaphylactic reactions; allowing the issuance of standing orders and protocols by physicians to schools to obtain epinephrine auto-injectors; setting forth notice requirements; allowing students who self-inject to use the school supply of epinephrine auto-injectors; setting forth immunity from liability for school nurses and trained and authorized nonmedical school personnel; allowing county school boards to participate in free or discounted manufacturer sponsored pharmaceutical programs to obtain epinephrine auto-injectors; providing for data collection and reporting requirements; and setting forth rule-making authority to effectuate the provisions of the section"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Morgan, Stephens, Azinger, Diserio, Ferns, Jones, Paxton, Perry, D. Poling, Romine and Swartzmiller:

H. B. 2730 – "A Bill amend and reenact §30-38-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto new section, designated §30-38-19, all relating to the Real Estate Appraisal Board; providing reciprocity requirements; and moving the temporary registration requirements to its own section"; to the Committee on Government Organization then the Judiciary.

By Delegates Fleischauer, Marshall, Barill, Manypenny, Campbell, Pasdon, Fragale, Iaquinta, Staggers, Miley and Perry:

H. B. 2731 – "A Bill to amend and reenact §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8 and §16-5O-10 of the Code of West Virginia, 1931, as amended, all relating to regulating the performance of health maintenance tasks by unlicensed personnel in certain personal care facilities; providing exceptions; identifying who may perform health maintenance tasks; requiring record keeping; requiring the administrative monitoring system to have input from registered professional nurses; requiring liability insurance; changing the short title; defining terms; and

authorizing rule-making"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates J. Nelson, Kump, Shott, Manypenny, Arvon, R. Smith, Butler, D. Evans, Cadle, Ambler and Cooper:

H. B. 2732 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, §1-7-4, §1-7-5 and §1-7-6, all relating to creating the Freedom From Unwarranted Surveillance Act; prohibiting the use of drones; providing exceptions; providing remedies; prohibiting the use of evidence; and defining terms"; to the Committee on the Judiciary.

By Delegates R. Phillips, Staggers, Ferro, Diserio and Reynolds [By Request of the Transportation Department - Division of Highways]:

H. B. 2733 – "A Bill to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended, relating to hearings before the Office of Administrative Hearings; specifying methods of service; providing permissible hearing locations; deleting the requirement that the Office of Administrative Hearings shall send hearing notices to certain witnesses; deleting an instance of a duplication of an element for driving under the influence; clarifying that the Office of Administrative Hearings shall rescind or modify the order of the Commissioner of the Division of Motor Vehicles in certain cases; noting that the Office of Administrative Hearings is not a party to an appeal; stating that a party filing an appeal is financially responsible for the transcription of the hearing and transmission of file copy; and stating that the court shall provide a copy of its final order to the Office of Administrative Hearings"; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Ambler:

H. B. 2734 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-12-16, relating to making it illegal for anyone to photograph a corpse except

for certain legitimate purposes; and providing criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Perdue, Perry, Border, Fleischauer, Marshall, Moore and Staggers:

H. B. 2735 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-13, relating to elective or nonmedically indicated induced deliveries or cesarean sections performed at a hospital on a medical assistance recipient before the thirty-ninth week of gestation; achieving cost savings by implementing certain quality initiatives; requiring the Department of Health and Human Resources to coordinate with certain entities to collect information regarding induced deliveries and cesarean sections; requiring certain hospitals to work with physicians to reduce the number of certain induced deliveries and cesarean sections before the thirty-ninth week of gestation; requiring the Department of Health and Human Resources to perform a study and submit a written report; and requiring waivers or authorizations to be requested from federal agencies in certain instances"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ferns, Craig, Reynolds, Storch, Skinner, White, Williams, Miley, Morgan, Lane and E. Nelson:

H. B. 2736 – "A Bill to amend and reenact §3-6-5 of the Code of West Virginia, 1931, as amended, relating to elections and write-in candidates; eliminating straight ticket voting; and updating language on write-in candidates"; to the Committee on the Judiciary then Finance.

By Delegates Gearheart, Householder, Howell, Ellington, Espinosa, Staggers, Overington, Sumner, D. Evans, Ambler and Hamrick:

H. B. 2737 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11F-1, §62-11F-2, §62-11F-3, §62-11F-4, §62-11F-5, §62-11F-6 and §62-11F-7, all relating to creating a pilot work/incarceration prison;

providing a short title; providing for offenders who are eligible to participate; establishing one work/incarceration prison; authorizing the Division of Corrections to propose rules for the operation and reporting of the work/incarceration prison; providing for a reduction in the sentence of an offender sentenced to the work/incarceration prison; providing that a serious violation of the rules result in an additional sentence; appropriations; providing for the admittance of offenders from other counties; and providing for the evaluation of the work/incarceration prison"; to the Committee on the Judiciary then Finance.

By Delegates Perdue, Perry, Fleischauer, Lawrence, Marshall and Moore:

H. B. 2738 – "A Bill to amend and reenact §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931, as amended, all relating to the Center for Nursing; adding definitions; removing outdated language; requiring the Center on Nursing for Nursing to use two thirds of its funds on loan and scholarship programs; and requiring the center to report to the Legislative Oversight Commission on Health and Human Resources Accountability instead of the Joint Committee on Government and Finance"; to the Committee on Health and Human Resources then Finance.

By Delegate Lane:

H. B. 2739 – "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to the business and occupation tax; and altering the basis for municipal business and occupational taxation from gross income to net income"; to the Committee on Political Subdivisions then Finance.

By Delegates A. Evans and Sponaugle:

H. B. 2740 – "A Bill to amend and reenact §27-2-3 of the Code of West Virginia, 1931, as amended, relating to the restriction of the use of '4-point mechanical restraints' on patients in mental health facilities and the establishment of conditions which must accompany usage;

criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Overington, Andes, Canterbury, Cowles, Rowan, Walters, Frich, Border, Ellington, D. Evans and Pasdon:

H. B. 2741 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-7-17, relating to protecting academic freedom in higher education; prohibiting employment decisions concerning faculty members from being based solely on political or religious beliefs; requiring all tenure, search and hiring committee deliberations to be recorded and made available to the appropriate constituted authorities; prohibiting students from being graded on political or religious beliefs; requiring academic disciplines to welcome a diversity of approaches to unsettled questions and to provide dissenting viewpoints; providing that the uncertainty and unsettled character of all human knowledge must be respected; and providing that the obstruction of campus speakers or the civil exchange of ideas may not be tolerated"; to the Committee on Education then the Judiciary.

By Delegates Overington, Sobonya, Raines, Householder, Frich, Ellington, Butler, Kump and R. Smith:

H. B. 2742 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to requiring that the Redistricting Office of the Joint Committee on Government and Finance plan and propose congressional and legislative districts; providing specific criteria that the redistricting office must observe in proposing district mappings; requiring the redistricting office to advertise a proposed draft map of districts to the public; requiring the redistricting office to recommend redistricting plan to the Legislature; requiring the full Legislature to vote on plan ratification; providing for subsequent submissions of plans and vote by Legislature; requiring that commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with constitutional and legal requirements; and prohibiting

certain persons from influencing or attempting to influence district mapping proposals of the redistricting office"; to the Committee on the Judiciary then Finance.

HOUSE CALENDAR

SECOND READING

H. B. 2477, Permitting certain auxiliary lighting on motorcycles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

Com. Sub. for H. B. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations; on first reading, coming up in regular order, was read a first time and ordered to second reading.

At 11:49 A.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, February 27, 2013.

WEDNESDAY, FEBRUARY 27, 2013

FIFTEENTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, February 26, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Mr. Speaker, Mr. Thompson, and Delegates Boggs, Ashley, Caputo, Craig, Ellem, Manchin, Miley, Morgan, Pasdon, D. Poling, Skaff, P. Smith, Stowers, Swartzmiller and White offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 44 - "Requesting the Joint Committee on Government and Finance study the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia."

WHEREAS, The United States Constitution and the West Virginia Constitution provide that each citizen is guaranteed a fair hearing in the courts of this nation; and

WHEREAS, There has been a review of West Virginia courts by commissions appointed by the executive branch of government; and

WHEREAS, As a result of the criticism that West Virginia did not have a fair court process in that West Virginia was a discretionary appeal jurisdiction, the West Virginia Supreme Court in December of 2011 adopted new appellate rules to provide review and a written decision on each appeal filed with that court; and

WHEREAS, Critics outside the State of West Virginia continue to allege that West Virginia courts are not fair and are perceived to be unfair to litigants and harms the business climate in this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature on the first day of the regular session, 2014, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations in order to make certain that West Virginia's judicial system is fair in its procedures and process for West Virginia citizens and businesses, 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.

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

H. C. R. 45 - "Requesting that bridge number 21-15-8.77 on West Virginia Route 15, in Lewis County, West Virginia, be named the 'Army PFC French E. Marsh Memorial Bridge'."

WHEREAS, French E. Marsh was born December 20, 1929, in Weston, West Virginia, the son of French Marsh and Hazel Butcher Marsh; and

WHEREAS, French E. Marsh attended schools in Weston, enjoyed playing baseball, and worked for a time at the Weston Glass Factory; and

WHEREAS, French E. Marsh was drafted into the United States Army at the age of eighteen; and

WHEREAS, PFC French E. Marsh married Ruth Ann Butcher on January 5, 1952; and

WHEREAS, PFC Marsh had a sister, Gwendly Crummit, deceased, and is survived by a brother, George Marsh of Glenville, West Virginia, and a cousin, Herbert Bean of Horner, West Virginia; and

WHEREAS, PFC Marsh was killed in action against the enemy in Korea on March 30, 1953 while serving with the U. S. Army's 31st Infantry Regiment, 7th Infantry Division; and

WHEREAS, PFC Marsh, service number 52122759, was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal; and

WHEREAS, PFC Marsh was buried in Peterson Cemetery, at Weston, West Virginia; and

WHEREAS, It is the desire of the Legislature to honor the memory of this native son who gave his life serving his country; therefore, be it

Resolved by the Legislature of West Virginia:

That bridge number 21-15-8.77 on West Virginia Route 15, in Lewis County, West Virginia, be named the "Army PFC French E. Marsh Memorial Bridge"; and, be it

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

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to Herbert Bean, 15 Honeysuckle Road, Horner, WV.

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

H. C. R. 46 - "Requesting the Division of Highways to name bridge number 21-23-7.67 on Route 23 in Lewis County, the 'Martha Ellen Taylor & Sons Memorial Bridge'."

WHEREAS, Martha Ellen Ratliff Taylor was born on July 18, 1881, in the Oil Creek area of Lewis County; and

WHEREAS, In March 1904, Martha Ellen Taylor married the late John C. Taylor and together they raised seven sons and two daughters; and

WHEREAS, Martha Ellen Taylor was the number one World War II mother of Lewis County as all seven of her sons served in the United States Armed Forces at the same time during World War II; and

WHEREAS, Five of Martha Ellen Taylor's sons served in the United States Army, Glenn Russell Taylor, Franklin Taylor, John Caldwell Taylor, Jr., Theodore Quinton Taylor and Archie Dale Taylor and two of her sons, William Henry Taylor and Warrick Richard Taylor, served in the United States Navy; and

WHEREAS, Martha Ellen Taylor's grandchildren included John B. Taylor, Sharon Cassady, Constance Marie Taylor, Jocelyn Lee Taylor, Martha Lou Taylor, Robert Taylor, Sheila Hicks, Ronald Taylor, Larry

Taylor, Theodore Taylor, Randy Taylor, Debra Dodge, John W. Taylor, Mary Ellen Taylor, Gary Flesher, Jeannie Lynch and Martha Ellen Hays; and

WHEREAS, Martha Ellen Taylor died on December 22, 1956, and is buried alongside her husband, who died in a hit and run accident in Lewis County on June 14, 1936, in the Machpelah Cemetery in Weston; and

WHEREAS, It is fitting to honor Martha Ellen Taylor and her seven sons for their commitment, dedication and service to their country and their state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 21-23-7.67 on Route 23 in Lewis County, the "Martha Ellen Taylor & Sons 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 "Martha Ellen Taylor & Sons Memorial Bridge"; and, be it

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

Delegates Hamilton, P. Smith, Skinner and Espinosa offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 47 - "Requesting the Division of Highways to name a stretch of highway in Upshur County, West Virginia, on State Route 20 from mile post 26 at the intersection of State Route 20 and U. S. Route 33 to mile post 27, the 'Thomas B. Dunn Memorial Highway'."

WHEREAS, Thomas B. Dunn died April 24, 2012 at the Avow Hospice House in Naples, Florida. He was born January 22, 1943 in

Washington, Pennsylvania, a son of the late James Lincoln and Lucille Babbitt Dunn. He married Carol Jean Campbell on July 11, 1964, and they had two daughters, Tracy Cunningham (husband Mark) and Jennifer Fluke (husband Eric) of Buckhannon. In addition to being survived by his widow and daughters, he is survived by two granddaughters, Carson Cunningham and Caroline Fluke both of Buckhannon; two grandsons, Grant Cunningham and Bryson Fluke both of Buckhannon; his precious Bichon, Lilly; one brother, Joseph L. Dunn of Washington, Pennsylvania; one sister, Ann Bridges and husband Cliff of Greensboro, North Carolina and several nieces and nephews; and

WHEREAS, Thomas B. Dunn was an exceptional leader and mentor to many in the community and oil and gas industry. He was respected and loved by many. Mr. Dunn graduated from Trinity High School, Washington, Pennsylvania, Class of 1960 and West Virginia Wesleyan College with a B.A. Degree, Class of 1964. He was the third generation in the oil and gas business. In his early years he worked in the field for Union Drilling, Inc., a drilling contractor and producer in the Appalachian Basin. After graduation from college, he worked full-time at Union Drilling, Inc. in Buckhannon, as Lease and Right-of-Way Agent, eventually working into the supervision of well completion. He became President of Union Drilling, Inc. in 1972, and held the position until 1987. He founded D-Aspen, Inc. in 1986 and served as president from 1986-1996. He founded Tuscany Gas, LLC in 1996 and served as a member. He co-founded Phoenix Diversified Ventures, Inc. in 1987 and served as President. He co-founded Phoenix Energy Sales Company in 1995 and served as president. He co-founded T & F Operating, Inc. in 1998 and served as President. He co-founded T & F Exploration, LP in 1998 and served as Limited Partner. At the time of his death he held membership in: Independent Oil & Gas Association of WV (IOGA WV), Pennsylvania Independent Oil & Gas Association (PIOGA), Independent Petroleum Association of America (IPAA), Ohio Oil & Gas Association (00GA), West Virginia Oil & Natural Gas Association (WVONGA), and the Society

of Petroleum Engineers, Inc. He served IOGA WV as past president, as a member of the board of directors and a member of various committees. He served IPAA as Regional Governor, Director, Area Vice President, member of Executive Committee, and member of the Board of Governors, Roustabout Club charter member. He served WVONGA as past president, and was a member of the board of directors. He was former Vice President of Virginia Oil & Gas Association; former member of New York State Oil Producers Association, Inc.; actively participated in other states' associations. Thomas B. Dunn served Appalachian Energy Group (AEG) as President for several terms. He was a member of Board of Directors of St. Joseph's Hospital Foundation and a former member of the Board of Trustees of West Virginia Wesleyan College. He was a founding member of Naples National Golf Club and The Old Collier Golf Club both in Naples, Florida. He was involved in Buckhannon/Upshur County, West Virginia civic organizations, including one of the five who arranged initial broad community funding for the current Upshur County Development Authority. He was a former member of the West Virginia National Guard, Kappa Alpha Order Fraternity and was instrumental in the Buckhannon Parks & Recreational Complex. Thomas B. Dunn was recognized for his service to the Industry by Oil & Gas Associations and service to the community. He was the West Virginia Oil & Gas Man of the Year, 1982. He received the West Virginia Wesleyan College Alumni Award, 1982. He was the Buckhannon Business & Professional Women's Club Outstanding Employer of the Year, 1985. And, he was one of the two initial recipients of IOGA WV Distinguished Service "Gunslinger" Award, 1992. And, he greeted President George W. Bush upon his arrival at Morgantown Municipal Airport, Morgantown, West Virginia, July 4, 2005; and

WHEREAS, When Thomas B. Dunn died of cancer in Naples, Florida in April, 2012 he left behind invaluable, often unknown contributions to the oil and gas industry, as well as to the Upshur County community. He was a man of boundless generosity, selfless,

sacrificing and always smiling. Most of all, he was a wonderful and loving husband, father and grandfather who cherished his family more than anything. The contributions of this man to his community and industry should not go unnoticed; and

WHEREAS, It is fitting to honor Thomas B. Dunn by naming a stretch of highway in Upshur County, West Virginia, on State Route 20 from mile post 26 at the intersection of State Route 20 and U. S. Route 33 to mile post 27 for Thomas B. Dunn; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a stretch of highway in Upshur County, West Virginia, on State Route 20 from mile post 26 at the intersection of State Route 20 and U. S. Route 33 to mile post 27, the "Thomas B. Dunn Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the stretch of highway as the "Thomas B. Dunn Memorial Highway"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation; and to the surviving widow, children and relatives of Thomas B. Dunn.

Mr. Speaker, Mr. Thompson, and Delegates Marcum, White, Stowers, Eldridge, R. Phillips and Tomblin offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 48 - "Requesting the Division of Highways to name bridge number 30-3/5-20.12 on County Route 3/5 in Mingo County, the 'Albert & Peggie Maynard Memorial Bridge'."

WHEREAS, Both Albert Maynard and Peggie Maynard were born in 1894; and

WHEREAS, Albert and Peggie Maynard lived their entire lives in Mingo County; and

WHEREAS, Albert and Peggie Maynard raised ten children, Hazel, Roland, Blanche, Frankie, John B., Ray, Martha, Willis, Ken and Ernest; and

WHEREAS, Albert Maynard was a hard worker for the United Fuel Company, was a great citizen of the county and gave back to his community; and

WHEREAS, Peggie Maynard served as the area postmaster; and

WHEREAS, Albert Maynard passed away in 1969 and Peggie Maynard passed away in 1981; and

WHEREAS, It is fitting to honor Albert and Peggie Maynard for their commitment, dedication and service to their county and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-3/5-20.12 on County Route 3/5 in Mingo County, the "Albert & Peggie Maynard 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 "Albert & Peggie Maynard Memorial Bridge"; and, be it

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

Delegates Perdue, Perry and Ellington offered the following resolution, which was read by the Clerk as follows:

H. R. 13 - "Designating February 27, 2013, as 'Disability Advocacy Day'."

WHEREAS, There are more than 400,000 West Virginians with disabilities; and

WHEREAS, People with disabilities have the right to live, work and fully participate in their communities and realize their dreams and goals; and

WHEREAS, West Virginia's citizens with disabilities have banded together in a collective group, called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

WHEREAS, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

WHEREAS, Such organizations as the Appalachian Center for Independent Living, Mountain State Centers for Independent Living, Northern West Virginia Center for Independent Living, West Virginia Developmental Disabilities Council, West Virginia Statewide Independent Living Council, West Virginia Division of Rehabilitation Services, West Virginia Parent Training and Information Project, West Virginia University Center for Excellence in Disabilities, Upper Potomac Area Agency on Aging, West Virginia Alliance for Sustainable Families, Van Lifts Unlimited, West Virginia Human Rights Commission, Job Squad, Autism Training Center, West Virginia State Rehabilitation Council, West Virginia Mental Health Consumers Association, West Virginia Commission for the Deaf and Hard of Hearing and West Virginia Advocates have joined together to help increase public awareness of issues involving the many concerns of West Virginians' with disabilities; and

WHEREAS, The purpose of Disability Advocacy Day is to increase the awareness of legislators, administrations, policymakers and the

public of the public policy issues that are important to people with disabilities; therefore, be it

Resolved by the House of Delegates:

That February 27, 2013, is hereby declared "Disability Advocacy Day" in West Virginia; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 13) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

H. R. 14 - "Amending the rules of the House of Delegates, relating to requiring that a Jobs Impact Statement be attached to proposed legislation affecting employment or taxes in the state."

Resolved by the House of Delegates:

That the Rules of the House of Delegates be amended by adding thereto a new rule as follows:

Jobs Impact Statement

95c. Prior to consideration, by the House or by any of its committees, of a bill that increases or decreases the revenue or fiscal liability of individual citizens, employers, the state or any of its political subdivisions or in any manner changes or modifies an existing tax or rate of taxation or in any manner proposes to enact, amend or repeal a provision generally relating to employment within the state,

the bill shall have attached to it a Jobs Impact Statement. The statement must conform to the requirements of form and content as prescribed by the Jobs Impact Statement Manual prepared and adopted by the Committee on Rules.

When required, it is the responsibility of the member introducing the bill to obtain the Jobs Impact Statement.

This rule does not prohibit consideration of a bill where, in the opinion of the chairman of the committee to which the bill has been referred or in the opinion of the Speaker, a reasonable amount of time has transpired between when a Jobs Impact Statement was requested and no statement, or an incomplete one, has been provided.

The phrase "Jobs Impact Statement" or the initials "JS" must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them.

No act is void or voidable for noncompliance with this rule.

This rule takes effect on January 8, 2014.

Delegates Manypenny, Campbell, Canterbury, Diserio, Eldridge, A. Evans, Ferro, Fleischauer, Fragale, Guthrie, Hartman, Jones, Longstreth, Lynch, Moye, L. Phillips, R. Phillips, M. Poling, Poore, Reynolds, Romine, Skinner, R. Smith, Sponaugle, Stephens, Stowers, Tomblin, Walker, Walters, Wells, White and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 15 - "Expressing support of the House of Delegates urging Congress to enact H. R. 129, the 'Return to Prudent Banking Act of 2013'."

WHEREAS, An effective monetary and banking system is essential to a properly functioning economy; and

WHEREAS, An effective monetary and banking system must function in the public interest without bias; and

WHEREAS, The Federal Banking Act of 1933, commonly referred to as the Glass-Steagall Act, protected the public interest in matters dealing with the regulation of commercial and investment banking and insurance companies and securities firms; and

WHEREAS, The Glass-Steagall Act was repealed in 1999, permitting members of the financial industry to exploit the financial system for their own selfish gain without regard of the public interest; and

WHEREAS, Many of the financial industry entities were saved by the United States Treasury at a cost of billions of dollars to American taxpayers; and

WHEREAS, Within the hundreds of pages of the Dodd-Frank Wall Street Reform Act, there are no prohibitions preventing "too big to fail" financial services organizations from investing in or undertaking substantial risks in trillions of dollars of derivative contracts; and

WHEREAS, The American taxpayers continue to be at risk for the next round of bank failures with enormous risks undertaken by financial services conglomerates; and

WHEREAS, Congresswoman Marcy Kaptur has introduced H. R. 129, known as the Return to Prudent Banking Act of 2013, to reinstate the provisions of the Glass-Steagall Act; and

WHEREAS, H. R. 1489, the identical bill in the 112th Congress, gained eighty-four bipartisan cosponsors; and

WHEREAS, It is vital that the same bill be introduced in the United States Senate; and

WHEREAS, Glass-Steagall has received wide national support, the AFL-CIO, the American Federation of Teachers, the International

Association of Machinists, from prominent economic and business leaders, including Thomas Hoenig of FDIC, Sanford Weill, former CEO of Citibank and economist Luigi Zingales to the New York Times, the St. Louis Post Dispatch, the Los Angeles Times; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby strongly urges the United States Congress to enact H. R. 129, pending before the 113th Congress, to reinstate the restrictions of the Banking Act of 1933, commonly referred to as the Glass-Steagall Act, that prohibited commercial banks and bank holding companies from investing in stocks, underwriting securities or investing in or acting as guarantors in derivative transactions, in order to prevent American taxpayers from again being called upon to fund hundreds of billions of dollars to bail out financial institutions; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, congressional delegates of each state in the United States and each member of West Virginia's congressional delegation.

COMMITTEE REPORTS

Delegate Morgan, 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. 2586, Relating to qualifications for a license to practice embalming,

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

Delegate Morgan, 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. 2584, Relating to licensing board accounts,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2584) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

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

Com. Sub. for S. B. 60 - "A Bill to amend and reenact §48-25-101 of the Code of West Virginia, 1931, as amended, relating to requiring the name-change notice to be published after the filing of the petition; requiring the notice published to include the name to which the petitioner's name will be changed; and providing an exception to the inclusion of the name in the publication"; which was referred to the Committee on the Judiciary.

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

Com. Sub. for S. B. 71 - "A Bill to amend and reenact §36-3-5a of the Code of West Virginia, 1931, as amended, relating to descriptions of easements and rights-of-way in deeds and similar instruments; amending the centerline method of description to include width; and clarifying that description requirement regarding easements

and rights-of-way does not apply to certain leases"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 76 - "A Bill to amend and reenact §3-1-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-3-1 of said code, all relating to voting for President and Vice President; permitting voters who have moved from the state to vote for President and Vice President in certain circumstances; requiring voters who move from the state and vote for President and Vice President in the state to be removed from the voter rolls thereafter; allowing persons who move to the state to vote for President and Vice President in certain circumstances; and permitting voters to obtain an absentee ballot for President and Vice President only in certain circumstances"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

S. B. 82 - "A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to requiring a public service board to have at least one rate-paying residential customer of the public service district on its board membership"; which was referred to the Committee on Government Organization.

BILLS INTRODUCED

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

By Delegates Walters, E. Nelson, Raines and Frich:

H. B. 2743 – "A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to consolidating purchasing by county boards of education through the regional education service agency serving their areas"; to the Committee on Education then Finance.

By Delegates Walters, Raines and Frich:

H. B. 2744 – "A Bill to amend and reenact §18-30-2 and §18-30-9 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia College Prepaid Tuition and Savings Program Act; and allowing a tax deduction for all prepaid tuition contracts or college savings plans regardless of whether they are administered by the board of the college prepaid tuition and savings program"; to the Committee on Education then Finance.

By Delegates Walters, Raines and Frich:

H. B. 2745 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to exempting students attending state colleges or universities in undergraduate programs and graduates of undergraduate programs of state institutions of higher learning for the first two tax years postgraduation from the payment of state income tax; providing that students attending state institutions and enrolled in undergraduate programs and undergraduate graduates of state institutions for the first two years after graduating shall pay seventy-five percent of any state income tax that they otherwise would owe to the particular institution or other corporate creditor from which the student or graduate obtained student loans to attend the state institution of higher learning"; to the Committee on Education then Finance.

By Delegates Craig, Stephens, Morgan, Perry, Iaquinta, Ferro, Pethtel, Fragale, Longstreth, Sumner and Miller:

H. B. 2746 – "A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to extending the

Teachers' State Minimum Salary Schedule and equity supplements from thirty-five to forty years"; to the Committee on Education then Finance.

By Delegates Morgan, Stephens, Caputo and Craig:

H. B. 2747 – "A Bill to amend and reenact §6-9A-2 and §6-9A-3 of the Code of West Virginia, 1931, as amended, all relating to Open Governmental Proceedings; defining terms; clarifying existing notice requirements; requiring agencies to electronically file public meeting notices with the Secretary of State for publication on Secretary of State's website; eliminating the requirement that state agency meeting notices be filed in the State Register; specifying that agency rules on filing notices comply with the Open Governmental Proceedings Act and Ethics Commission Committee on Open Governmental Meetings opinions; and providing procedural rule-making authority"; to the Committee on Government Organization then the Judiciary.

By Delegates Ellem, Lane, Armstead and Anderson:

H. B. 2748 – "A Bill to amend and reenact §6B-3-4 of the Code of West Virginia, 1931, as amended, relating to requiring the reporting and publication of all compensation, including the source of that compensation, paid to lobbyists for all lobbying activities"; to the Committee on the Judiciary.

By Delegates Perdue, Perry, Staggers, Campbell, Moye, Miller, Pasdon, Storch and Ellington

[By Request of the Department of Health and Human Resources]:

H. B. 2749 – "A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4-19 of said code, all relating to removing the limitations on billing patients for HIV and sexually transmitted disease testing done by state or local public health agencies; and clarifying provisions relating to performing HIV or STD tests on persons accused of a sexual offense"; to the Committee on Health and Human Resources then Finance.

By Delegates Perdue, Perry, Eldridge, Ellington and Lawrence:

H. B. 2750 – "A Bill to repeal §30-4-8a, §30-4-10a, §30-4-25, §30-4-26, §30-4-27, §30-4-28 and §30-4-29 of the Code of West Virginia, 1931; to repeal §30-4A-6a, §30-4A-6b, §30-4A-6c, §30-4A-6d and §30-4A-18 of said code; to repeal §30-4B-5, §30-4B-6, §30-4B-7 and §30-4B-8 of said code; to amend and reenact §30-4-1, §30-4-2, §30-4-3, §30-4-4, §30-4-5, §30-4-6, §30-4-7, §30-4-8, §30-4-9, §30-4-10, §30-4-11, §30-4-12, §30-4-13, §30-4-14, §30-4-15, §30-4-16, §30-4-17, §30-4-18, §30-4-19, §30-4-20, §30-4-21, §30-4-22, §30-4-23 and §30-4-24 of said code; to amend and reenact §30-4A-1, §30-4A-2, §30-4A-3, §30-4A-4, §30-4A-5, §30-4A-6, §30-4A-7, §30-4A-8, §30-4A-9, §30-4A-10, §30-4A-11, §30-4A-12, §30-4A-13, §30-4A-14, §30-4A-15, §30-4A-16 and §30-4A-17 of said code; and to amend and reenact §30-4B-1, §30-4B-2, §30-4B-3 and §30-4B-4 of said code, all relating to the practice of dentistry; prohibiting the practice of dentistry without a license; providing other applicable sections; providing definitions; providing for board composition; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license, certification and permit requirements; creating a scope of practice; creating a temporary permit; establishing renewal requirements; providing for exemptions from licensure; providing requirements for the display of a board authorization; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal penalties; and updating references"; to the Committee on Government Organization then the Judiciary.

By Delegates Perdue, Perry, Campbell, Ellington, Lawrence, Moye, Staggers and Storch

[By Request of the Department of Health and Human Resources]:

H. B. 2751 - "A Bill to amend and reenact §48-18-132 of the Code of West Virginia, 1931, as amended, relating to locating parents for the purpose of establishing paternity, establishing or modifying a support order, enforcing support orders or distributing support; information required from telephone and cellular telephone companies"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Overington, Andes, Cowles, Kump, Faircloth, Householder and McCuskey:

H. B. 2752 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5A-12, relating to exempting construction performed on behalf of educational authorities from prevailing wage requirements"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Overington, Andes, Cowles, Kump, Faircloth and Householder:

H. B. 2753 – "A Bill to amend and reenact §21-5A-5 of the Code of West Virginia, 1931, as amended, relating to establishing prevailing hourly rates to be used in connection with the construction of public improvements; and providing appeal to county commission"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead

[By Request of the Executive]:

H. B. 2754 – "A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended, relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes; specifying that any retailer in a unitary business with an entity

in this state is included within the definition; and providing effective date"; to the Committee on Finance.

By Delegates Perdue, Perry, Arvon, Border, Ellington, Marshall, Moore, Poore and Storch:

H. B. 2755 – "A Bill to amend and reenact §30-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-7B-10, all relating to certified professional midwives; and requiring the reporting of specified information"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Perry, Arvon, Border, Ellington, Marshall, Moore, Moye, Poore and Staggers:

H. B. 2756 – "A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5F-2-1 of said code, all relating to the reorganization of government; removing the Bureau of Medical Services from under DHHR; making Bureau of Medical Services its own department; and moving the office of Healthy Lifestyle under the new department"; to the Committee on Health and Human Resources then Finance.

By Delegates Sponaugle, Hartman, Lynch, Skinner, A. Evans, Espinosa, Reynolds, Azinger, Stowers, R. Phillips and Andes:

H. B. 2757 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20C-1, §19-20C-2, §19-20C-3 and §19-20C-4, all relating to the creation of a civil cause of action in magistrate court for the purpose of seeking euthanization of a violent dog; elements of action; proceeding; attorney fees; limitations of action; and order of the court"; to the Committee on the Judiciary.

By Delegates Ellem, Poore, Fleischauer, Miley, Skinner, Sponaugle, Hunt, Manchin, Hamilton, Manypenny and Marcum:

H. B. 2758 – "A Bill to amend and reenact §62-1E-1, §62-1E-2 and §62-1E-3 of the Code of West Virginia, 1931, as amended, all

relating to eyewitness identification; defining terms; increasing requirements for performing an eyewitness identification; authorizing mandatory legislative rule-making authority for creating additional requirements and expanding upon current requirements in all aspects of eyewitness identification; requiring the legislative rules to include consequences for noncompliance, training requirements, policy requirements and the creation of a model policy; stating that the rules shall be created by the Governor's committee on crime, delinquency and correction in consultation with certain eyewitness identification practitioners and experts; and requiring the State Police to create certain educational materials associated with eyewitness identification"; to the Committee on the Judiciary.

By Delegates Staggers, Perry, L. Phillips, R. Phillips, Tomblin, Stowers, Eldridge, Moye, M. Poling, Marcum and White:

H. B. 2759 – "A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating to standards for emergency medical service personnel; and providing that no fees be charged to certify or recertify an Emergency Medical Technician - Miner"; to the Committee on Health and Human Resources then Finance.

HOUSE CALENDAR

THIRD READING

H. B. 2477, Permitting certain auxiliary lighting on motorcycles; 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. 8)**, 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: Craig.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2477) 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. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations,

And,

H. B. 2487, Prohibiting the use of laetrile.

LEAVES OF ABSENCE

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

At 11:31 A.M., the House of Delegates adjourned until 11:00 A.M., Thursday, February 28, 2013.

THURSDAY, FEBRUARY 28, 2013

SIXTEENTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, February 27, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Poling, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2354, Requiring onsite employees at certain public works construction projects to complete an Occupational Safety and Health Administration (OSHA) approved 10-hour construction safety program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2354) was referred to the Committee on Government Organization.

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

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

H. B. 2361, Relating to the definition of "eligible veteran" for certain state training and employment preference benefits,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2361) was referred to the Committee on the Judiciary.

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

Your Committee on Agriculture has had under consideration:

H. B. 2611, Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2611) was referred to the Committee on the Judiciary.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2467, Requiring the county to reimburse a property owner of expenses incurred in contesting a reappraisal,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2467) was referred to the Committee on Finance.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2701, Secretary of State, Uniform Commercial Code,

H. B. 2702, Secretary of State administration of the address confidentially program,

And,

H. B. 2558, Removing the "grandfather" clause that excepts municipal ordinances limiting the purchase, transfer, ownership, carrying, transporting, selling or storing of guns or ammunition,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2701, H. B. 2702 and H. B. 2558) were each referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2664, Hatfield-McCoy Regional Recreation Authority to promulgate a legislative rule relating to rules for use of the facility,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2664) was referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2673, Commissioner of Highways, transportation of hazardous wastes upon the roads and highways,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2673) was referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2559, Requiring all debt obligations of the West Virginia Parkways Authority to be satisfied by February 1, 2020,

And,

H. B. 2522, Issuing a special "HATFIELD and MCCOY" license plate,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2559 and H. B. 2522) were each referred to the Committee on Finance.

Delegate Williams, Chair of the Committee on Senior Citizen Issues, submitted the following report, which was received:

Your Committee on Senior Citizen Issues has had under consideration:

H. B. 2705, Bureau of Senior Services, in-home care worker registry,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2705) was referred to the Committee on the Judiciary.

Delegate Williams, Chair of the Committee on Senior Citizen Issues, submitted the following report, which was received:

Your Committee on Senior Citizen Issues has had under consideration:

H. B. 2395, Relating to senior services,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2395) was referred to the Committee on Government Organization.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2612, Authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examination and licensure,

H. B. 2614, Authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the board,

H. B. 2615, Board of Dental Examiners, relating to the expanded duties of dental hygienists and dental assistants,

And,

H. B. 2648, Board of Barbers and Cosmetologists, barber apprenticeships,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2612, H. B. 2614, H. B. 2615 and H. B. 2648) were each referred to the Committee on the Judiciary.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2455, Repealing the purchasing exemption provided to the Medicaid program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2455) was referred to the Committee on Finance.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2649, Board of Barbers and Cosmetologists, operational standards for schools of barbering and beauty culture,

And,

H. B. 2669, Department of Health and Human Resources, relating to pulse oximetry newborn testing,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2649 and H. B. 2669) were each referred to the Committee on the Judiciary.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 3 - "Requesting the Division of Highways to name bridge number 3-3-2.96 on Route 3 in Boone County, the 'Army Sergeant Junior Elwood Dunlap Memorial Bridge'."

WHEREAS, Sergeant Dunlap enlisted in the United States Army on January 1, 1949; and

WHEREAS, Sergeant Dunlap was captured during the Korean War while serving as a sergeant with Tank Company, Second Infantry Division's 38th Regiment on November 1, 1950, the second in the famous Indian Head Division that was the hardest hit out of the Korean Battle Front; and

WHEREAS, Sergeant Dunlap was held captive for thirty-two months and returned home in August 1953 when he was twenty-four years old; and

WHEREAS, Sergeant Dunlap was married to Lillian Barrickman, raised four children and had nine grandchildren, six great-grandchildren and one great-great-grandchild; and

WHEREAS, Sergeant Dunlap spoke numerous times at high schools, universities and public events regarding his experiences in Korea and the honor of serving one's country; and

WHEREAS, Sergeant Dunlap passed away at age seventy-seven on December 24, 2006; and

WHEREAS, It is fitting to honor Sergeant Dunlap for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 3-3-2.96 on Route 3 in Boone County, the "Army Sergeant Junior Elwood Dunlap 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 "Army Sergeant Junior Elwood Dunlap Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department

of Transportation and the family of the late Sergeant Junior Elwood Dunlap.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 4 - "Requesting the Division of Highways to name the Falling Rock Bridge in Boone County, bridge number 3-1-8.75, the 'James "Eddie" Mooney Memorial Bridge'."

WHEREAS, James "Eddie" Mooney was born on December 19, 1958; and

WHEREAS, James "Eddie" Mooney lived in Ashford, Boone County, West Virginia; and

WHEREAS, James "Eddie" Mooney attended Sherman High School in Seth, West Virginia; and

WHEREAS, James "Eddie" Mooney was a loving husband to his high school sweetheart, Sheila Kirk Mooney, for thirty-three years; and

WHEREAS, James "Eddie" Mooney was a loving dad to his children Misty Case and Austin Mooney; and

WHEREAS, James "Eddie" Mooney loved life and loved to laugh; and

WHEREAS, James "Eddie" Mooney enjoyed taking his son hunting and fishing, and enjoyed camping and four wheeling; and

WHEREAS, James "Eddie" Mooney was a member of Rumble Community Baptist Church; and

WHEREAS, James "Eddie" Mooney was a lifelong coal miner; and

WHEREAS, James "Eddie" Mooney lost his life at the age of fifty-one, on April 5, 2010, in Raleigh County, one of the twenty-nine miners who died in the Upper Big Branch Mine disaster; and

WHEREAS, It is fitting and proper that the memory of James "Eddie" Mooney be honored by naming the Falling Rock Bridge in Boone County, bridge number 3-1-8.75, the "James 'Eddie' Mooney Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Falling Rock Bridge in Boone County, bridge number 3-1-8.75, the "James 'Eddie' Mooney Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "James 'Eddie' Mooney Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving family of James "Eddie" Mooney.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 6 - "Requesting the Division of Highways to name Brinkley Bridge, bridge number 50-152-30.81 on County Route 152 in Wayne County, the 'Wayne County Veterans Memorial Bridge'."

WHEREAS, Countless numbers of proud residents of Wayne County have answered their country's call to duty by serving in all branches of the military; and

WHEREAS, These veterans have faithfully protected their country in military actions around the globe; and

WHEREAS, Many of these veterans have made the ultimate sacrifice; and

WHEREAS, Veterans have returned home to Wayne County where they continue to be valuable members of their communities; and

WHEREAS, It is fitting to honor Wayne County veterans for their commitment, dedication and service to their country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Brinkley Bridge, bridge number 50-152-30.81 on County Route 152 in Wayne County, the "Wayne County Veterans 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 "Wayne County Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and Robert E. Pasley, President, Wayne County Commission.

BILLS INTRODUCED

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

By Delegates R. Phillips, Eldridge, Miley, Boggs, White, Marcum, Stowers, O'Neal, Hartman, Hamilton and Tomblin:

H. B. 2760 – "A Bill to repeal §8-12-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §7-1-3 of said code;

to amend and reenact §8-12-5 of said code; and to amend said code, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to crimes and punishment; jurisdiction, powers and duties of county commissions; general powers of municipalities and their governing bodies; uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia solely by the Legislature; legislative intent; definition; general rules relating to the regulation of firearms, ammunition and firearm accessories; remedies for unlawful regulation; providing for exceptions; and providing applicability, grand fathering clause and effective date"; to the Committee on the Judiciary.

By Delegates Morgan, Stephens, Craig, Barrett, Marshall, Guthrie, Fleischauer, Boggs, Jones and Swartzmiller:

H. B. 2761 – "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the Municipal Home Rule Pilot Program and the Municipal Home Rule Board; continuing the pilot program and board until July 1, 2018; providing that two current board members shall serve as *ex officio* nonvoting members; updating the board's powers; authorizing up to six additional municipalities to participate in the pilot program; setting forth requirements for municipalities to participate in the pilot program; setting forth powers of the municipalities participating in the pilot program; providing that metro governments may not participate in the pilot program; establishing a termination date of the pilot program; and clarifying the effects of ordinances and amendments passed by the municipalities participating in the pilot program"; to the Committee on Government Organization.

By Delegates Miley and Manchin:

H. B. 2762 – "A Bill to amend and reenact §33-12B-1 and §33-12B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-12B-4a, all relating to insurance; licensure of insurance adjusters; definitions, including a definition of "automated claims adjudication system"; and exemptions for certain individuals from adjuster licensure

in this state and licensing of residents of Canada in this state"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Perdue, Perry, Ellington, Lawrence, Moye and Staggers

[By Request of the Department of Health and Human Resources]:

H. B. 2763 – "A Bill to amend and reenact §16-5O-2 of the Code of West Virginia, 1931, as amended, relating to removing an adult family care home from the definition of a facility for the purposes of the Medication Administration by Unlicensed Personnel Act"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Lawrence, M. Poling and Stowers:

H. B. 2764 – "A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; and extending the authority and duties of attendance directors to assistant attendance directors"; to the Committee on Education.

By Delegates Miley, Skinner, Shott, Manchin and Hunt

[By Request of the Supreme Court of Appeals]:

H. B. 2765 – "A Bill to amend and reenact §49-1-3 of the Code of West Virginia, 1931, as amended, relating generally to child abuse and neglect; clarifying that a child who is physically healthy and presumed safe is a neglected child if the child is habitually absent from school without good cause"; to the Committee on Education then the Judiciary.

HOUSE CALENDAR

THIRD READING

Com. Sub. for H. B. 2505, Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations; on third reading, coming up in regular order, was read a third time.

Delegate Armstead requested to be excused from voting on the passage of Com. Sub. for H. B. 2505 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 9)**, and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Andes, Cadle, Gearheart, Hamrick, Householder, Kump and R. Smith.

ABSENT AND NOT VOTING: Miley and E. Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2505) 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

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. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations,

And,

H. B. 2487, Prohibiting the use of laetrile.

FIRST READING

H. B. 2586, Relating to qualifications for a license to practice embalming; on first reading, coming up in regular order, was read a first time and ordered to second reading:

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Miley and E. Nelson.

At 11:41 A.M., the House of Delegates adjourned until 11:00 A.M., Friday, March 1, 2013.

FRIDAY, MARCH 1, 2013

SEVENTEENTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, 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, February 28, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates Border, Anderson, Armstead, Sumner, Sobonya, Miller, A. Evans, Ellem, Azinger, D. Poling, Perdue, Andes, Arvon, Ashley, Barill, Barrett, Boggs, Butler, Cadle, Canterbury, Cooper, Cowles, Craig, Eldridge, Ellington, Espinosa, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marshall, McCuskey, Miley, Moore, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Paxton, Perry, L. Phillips, R. Phillips, Pino, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, P. Smith, R. Smith, Sponaugle, Staggers, Stephens, Storch, Stowers, Tomblin, Walker, Walters, Westfall and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 49 - "Requesting the Division of Highways to rename the new South Mineral Wells bridge over Tygart Creek on County 54, Route 14, near Mineral Wells, Wood County, the 'Delegate Larry Border Memorial Bridge'."

WHEREAS, Delegate Larry Border was born on June 3, 1951 in Parkersburg, West Virginia and passed away on June 8, 2011; and

WHEREAS, Delegate Larry Border was educated in the Wood County schools, and graduated from Parkersburg High School with the Class of 1970; and

WHEREAS, Delegate Larry Border earned his doctorate from the West Virginia University School of Pharmacy in 1975; and

WHEREAS, Delegate Larry Border is survived by his loving wife of thirty-eight years, Delegate Anna Border, their children Heather, Rebecca and Christopher and seven grandchildren; and

WHEREAS, Delegate Larry Border was a lifelong resident of Wood County, and, along with his wife, resided on a working farm in Davisville, West Virginia; and

WHEREAS, Delegate Larry Border was a practicing retail pharmacist for over thirty-five years; and

WHEREAS, Delegate Larry Border served as a member of the Wood County Planning Commission for over eighteen years; and

WHEREAS, Delegate Larry Border was a member of the Parkersburg Lions Club, a "Melvin Jones Fellow", a three-term president of the Eastwood Lions Club and served on the cabinets of a number of District 29L Governors; and

WHEREAS, Delegate Larry Border served as a member of the West Virginia House of Delegates for twenty-one years, serving as Minority Whip, Minority Chairman of the House Health and Human Resources

Committee and a member of the House Finance, Rules and Agriculture Committees; and

WHEREAS, Delegate Border earned the nickname "Den Mother" for his unfailing support and guidance of legislators, and his extra efforts to mentor young people and nurture their interest in public service; and

WHEREAS, Delegate Border was described as an "experienced statesman, known for his intelligence, inquisitiveness and wit"; and

WHEREAS, Delegate Border was instrumental in placing the road between Mineral Wells and Elizabeth, West Virginia; and

WHEREAS, It is fitting and proper, that Delegate Larry Border be remembered and acknowledged for his spirit, statesmanship and his long-time and generous service to his family, to his community, to the West Virginia Legislature and to the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the new South Mineral Wells bridge over Tygart Creek on County 54, Route 14, near Mineral Wells, Wood County, the "Delegate Larry Border Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Delegate Larry Border Memorial Bridge"; and, be it

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

Delegates Storch, Ferns, Mr. Speaker, Mr. Thompson, Ambler, Anderson, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border,

Butler, Cadle, Campbell, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferro, Fleischauer, Folk, Fragale, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquinta, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethtel, R. Phillips, Pino, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, R. Smith, Sobonya, Sponaugle, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 50 - "Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20."

WHEREAS, On June 20, 2013 the State of West Virginia celebrates the sesquicentennial of its birth as a state; and

WHEREAS, Wheeling was the site of West Virginia's first capitol; and

WHEREAS, The Legislature recognizes it is fit and proper to acknowledge and honor the city of Wheeling's significance in the history of West Virginia's statehood; and

WHEREAS, On June 20, 2013 the state's Division of Culture and History will sponsor "150 Years: West Virginia Sesquicentennial Celebration!" in Wheeling, a day-long series celebrating West Virginia's statehood, including Civil War re-enactments, historic speeches and other events; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to schedule the June 2013 Legislative Interim Committee meetings in Wheeling.

Delegates Kump, Ellem, Rowan, Hamilton, Miller, Householder, Sumner, Ambler, Anderson, Armstead, Arvon, Ashley, Border, Butler, Cadle, Cooper, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Folk, Frich, Hamrick, Howell, Ireland, McCuskey, J. Nelson, Overington, Pasdon, Raines, Romine, Shott, R. Smith, Sobonya, Storch and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 51 - "Requesting the Joint Committee on Government and Finance study the economic impact of federal laws and regulations upon the sovereign rights of the State of West Virginia and our citizens."

WHEREAS, The Legislature desires to provide the citizens of this state their rights as guaranteed by the Tenth Amendment to the United States Constitution; and

WHEREAS, A need exists to analyze the benefits and costs associated with the mandates of various federal laws and regulations; and

WHEREAS, The Legislature needs to examine the effect of these laws and regulations on development opportunities, taxpayer spending and potential taxpayer savings; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the economic impact of federal laws and regulations in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 Walker, Iaquinta, Perry, Boggs and Fleischauer offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 52 - "Requesting the Division of Highways to name a specific stretch of road on WV Route 16 in Calhoun County, West Virginia, specifically, that stretch of road beginning at the county line of Clay and Calhoun counties and continuing to the junction of WV Route 16 and US Route 33, the 'Richardson Brothers' Memorial Highway, United States Army, World War II'."

WHEREAS, Jack Lewis Richardson and Barbara Ellen (Fields) Richardson of Calhoun County, West Virginia, gave birth to four boys between the years 1914 and 1924, known collectively as the "Richardson Brothers"; and

WHEREAS, All of the Richardson Brothers were born and raised in the hills of Calhoun County and attended Metheny Ridge Elementary; and

WHEREAS, All of the Richardson Brothers left their rural Calhoun County to join the United States Army in order to protect the freedoms of our nation and the world in World War II; and

WHEREAS, The oldest of the brothers, Jack Lacy Richardson, born on February 23, 1914, was inducted into the United States Army on December 5, 1942, and served until the date of his honorable discharge on November 20, 1945, reenlisting on November 21, 1945 and, again, honorably discharged, as a private first class, on February 19, 1946; and

WHEREAS, When on a tour of duty in Germany, Jack Lacy Richardson was missing in action for 183 days, receiving a medal for this in addition to a Victory Ribbon for his military service; and

WHEREAS, At the time of his discharge from the United States Army, Jack Lacey Richardson returned to West Virginia, settling in Glen, Clay County, working as a construction worker, marrying and fathering three children, one son and two daughters; and

WHEREAS, Jack Lacey Richardson died on April 5, 1990, at the Veteran's Hospital in Beckley, West Virginia, and is buried at Hoover Cemetery in Braxton County, West Virginia; and

WHEREAS, The next eldest Richardson brother, Asa R. Richardson, was born on April 21, 1919, entered the United States Army on June 17, 1941, and served his country as a private first class until the date of his honorable discharge of October 6, 1945; and

WHEREAS, While serving in the United States Army, Asa R. Richardson was a scout paratrooper, a combat infantryman and a rifle expert, serving in campaigns in the southern Philippines and in New Guinea; and

WHEREAS, Asa R. Richardson received several awards and decorations including the Asiatic-Pacific Theater Ribbon with two Bronze Stars, the Bronze Arrowhead, the American Defense Service Medal, the Philippine Liberation Ribbon with Bronze Star and, not least of all, the Purple Heart with Oak Leaf Cluster; and

WHEREAS, Following his honorable discharge from the United States Army, Asa R. Richardson returned to Calhoun County, West Virginia, and then to Norton, Virginia; and

WHEREAS, Asa R. Richardson was employed in the timber industry, married and fathered six children, four boys and two girls; and

WHEREAS, Asa R. Richardson died in 1963 and is buried in Stone Gap Military Cemetery in Virginia; and

WHEREAS, The next born Richardson Brother was Bill W. Richardson, born in 1922 in Calhoun County, West Virginia, and entering the United States Army on October 6, 1942; and

WHEREAS, Bill W. Richardson is the only Richardson brother who did not return from the war, dying in action on May 14, 1943, in the North African Area; and

WHEREAS, Bill W. Richardson, a private, was awarded the Purple Heart for Military Merit and for Wounds Received in Action; and

WHEREAS, The youngest of the Richardson Brothers was Thomas Junior Richardson, born on September 12, 1924, in Calhoun County; and

WHEREAS, Thomas Junior Richardson was inducted into the United States Army on December 5, 1942, receiving an honorable discharge, as a private, on June 27, 1945; and

WHEREAS, While in the United States Army, Thomas Junior Richardson served in campaigns in Normandy, Northern France and Rhineland; and

WHEREAS, Thomas Junior Richardson was awarded the Purple Heart and the European African Eastern Theater Medal; and

WHEREAS, Following his honorable discharge from the United States Army, Thomas Junior Richardson returned to West Virginia, residing at Dille in Clay County, working in the coal mines, marrying and having four children, two sons, one stepson and one stepdaughter; and

WHEREAS, The last of the Richardson Brothers, Thomas Junior Richardson passed away in the year 2006; and

WHEREAS, The Richardson Brothers should be acknowledged and honored by their home state for all coming forward, out of the safe hills of Calhoun County at the time of the nation's and the world's need,

prepared to sacrifice their life in order to protect the freedoms of the nation and the world; and

WHEREAS, Of the four, only three returned from the war, providing an even greater justification for honoring these brave and selfless Richardson men; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that stretch of road beginning at the county line of Clay and Calhoun counties and continuing to the junction of WV Route 16 and US Route 33, the "Richardson Brothers' Memorial Highway, United States Army, WWII"; and, be it

Further Resolved, That the Division of Highways is hereby requested to cause to have made two signs that state, in bold and prominent lettering, the "Richardson Brothers' Memorial Highway, United States Army, WWII", and to erect these signs on either end of the specific stretch of road at locations most easily read by vehicular traffic on WV Route 16; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the Richardson Brothers' nephew, Mr. John Morris of Chloe, West Virginia.

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

H. C. R. 53 - "Requesting the Division of Highways to name the bridge crossing Pine Creek at Omar, Logan County, bridge number 119-5-0.23, the 'Oral Gene Castle Bridge'."

WHEREAS, Oral Gene Castle was born on March 23, 1932, in Betsy Lane, Kentucky, the son of Charles Benny Castle and Gladys McCoy Castle; and

WHEREAS, In 1935, Oral Gene moved with his family to Island Creek when he was three years old; and

WHEREAS, Oral Gene joined the Army in 1952 and was honorably discharged with the rank of Corporal in 1954; and

WHEREAS, In 1955, Oral Gene married Nadine Curry; and

WHEREAS, Oral Gene and Nadine have three children, Tenna Castle Browning, Deidra Castle Summers and Oral Gene Castle, Jr.; and

WHEREAS, Oral Gene and Nadine reside in Switzer and attend the Walnut Grove Free Will Baptist Church; and

WHEREAS, It is only fitting that we name this bridge in Oral Gene's name to acknowledge his many years of service to family, friends and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge crossing Pine Creek at Omar, Logan County, bridge number 119-5-0.23, the "Oral Gene Castle Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Oral Gene Castle Bridge"; and, be it

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

Delegates Howell, Ambler and Canterbury on behalf of all Members of the House offered the following resolution, which was read by the Clerk as follows:

H. R. 16 - "Memorializing the life of the Honorable J. Richard Campbell, educator, civic leader, veteran, and a man of great experience."

WHEREAS, J. Richard Campbell was born August 10, 1921, in Dawson, Greenbrier County, West Virginia, the son of the late John Lee and Lilly Dale Campbell; and

WHEREAS, J. Richard Campbell attended the public schools of Greenbrier County having graduated from Smoot High School. Dick also graduated from the Greenbrier Military School and received a B. S. in Industrial Arts and Social Studies from West Virginia Institute of Technology and a M.S. in School Administration from West Virginia University. In addition, he attended Marshall University, Oklahoma State Middle Management, Boston, Massachusetts, and Central Connecticut State; and

WHEREAS, J. Richard Campbell was a U. S. Army World War II veteran, having served in the Persian Gulf Command from July 1942, to November 1945; and

WHEREAS, On July 28, 1945, Dick married Margaret Hobbs, who preceded him in death on November 15, 2011, and with whom he shared the joy of having five children, Mary Margaret, Tom, John, Dale and Cassandra; and

WHEREAS, J. Richard Campbell was further blessed with ten loving grandchildren and four great grandchildren; and

WHEREAS, The Honorable J. Richard Campbell was elected to the West Virginia House of Delegates representing Greenbrier County in 1958; and

WHEREAS, J. Richard Campbell enjoyed a rich and varied life, which included teaching at Woodrow Wilson High School in Beckley, being an Assistant Principal in Greenbrier County, supervising vocational education for the Department of Justice, Bureau of Prisons

in Danbury, Connecticut, and teaching an apprenticeship class at the Henry Abbot Vocational Technical School in Danbury. Dick was also the first Director of the Mineral County Vocational Technical School and retired in 1984 as the Superintendent of Mineral County Schools; and

WHEREAS, Dick was a member of various organizations including the Keyser Rotary Club, Chamber of Commerce, Davis Lodge 51, AF & AM, Potomac Highlands, Mountaineers for Rural Progress, VFW Post 3518, First United Methodist Administrative Council, and the United Methodist Men. He was also a charter member of Wolf Creek Lodge and the last surviving charter member of the Smoot Ruritan Club; and

WHEREAS, Sadly, the Honorable J. Richard Campbell passed away on March 2, 2012, leaving behind a life of dedication and commitment to his family, community and state; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby memorializes the life of the Honorable J. Richard Campbell, educator, civic leader, veteran, and a man of great experience; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable J. Richard Campbell; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable J. Richard Campbell.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 16) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

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

Your Committee on Education has had under consideration:

H. B. 2265, Relating to the School Access Safety Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2265) was referred to the Committee on Finance.

Delegate Morgan, 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. 2542, Relating to publication of the State Register,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2542) was referred to the Committee on Finance.

Delegate Morgan, 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. 2567, Relating to limited partnerships,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2567) was referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities,

H. B. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations,

And,

H. B. 2747, Relating to Open Governmental Proceedings,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2553, H. B. 2554 and H. B. 2747) were each referred to the Committee on the Judiciary.

Delegate Miley, 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. 2585, Increasing the time to file a petition in response to notice of an increased assessment,

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

Com. Sub. for H. B. 2585 - "A Bill to amend and reenact §11-3-15c and §11-3-15d of the Code of West Virginia, 1931, as amended, relating to increasing the time to file a petition in response to notice of an increased assessment of certain real and personal property,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2585) to the Committee on Finance was abrogated.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 5 - "Requesting the Division of Highways to name the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the 'Army Sgt. Norman R. Cunningham Memorial Bridge'."

WHEREAS, Sgt. Norman R. Cunningham was born on September 11, 1926, in Rymer, Marion County, West Virginia; and

WHEREAS, Sgt. Cunningham attended Pine Grove High School; and

WHEREAS, Sgt. Cunningham was drafted in 1944, at the age of 18, into the United States Army's 77th Infantry Division; and

WHEREAS, Sgt. Cunningham became a member of the Army Air Corps and served during World War II until 1947, including at Okinawa and Yokohama, Japan; and

WHEREAS, During Sgt. Cunningham's service in Japan, he attempted to save the lives of two young girls from drowning, and was recognized by the community for his efforts; and

WHEREAS, Sgt. Cunningham returned home and married Martha Lou Brown of Piney, West Virginia, on January 17, 1948; and

WHEREAS, Sgt. Cunningham reenlisted in the United States Air Force in 1951, and went on to serve in the Korean War with the 2750th Medical Group in France and the 75th Transport Squadron; and

WHEREAS, After leaving the military in 1953, Sgt. Cunningham worked for Consolidated Natural Gas for over thirty-five years until his retirement; and

WHEREAS, Sgt. Cunningham also operated a meat cutting, wrapping and storage business in Reader, and often provided his services free of charge to those who could not afford them; and

WHEREAS, In 1969, Sgt. Cunningham received an award from the American Red Cross for saving the life of a Reader, West Virginia, girl after nearly drowning in Fishing Creek, just below the Reader Bridge; and

WHEREAS, Sgt. Cunningham was known to all who knew and loved him as Mr. Haney because he enjoyed buying, selling and trading anything and everything; and

WHEREAS, Sgt. Cunningham was an active member of Trinity United Methodist Church of Reader and a member of the Benton M. Lowe Post 81 American Legion of Pine Grove; and

WHEREAS, Sgt. Cunningham passed away in January 2013, leaving behind his beloved wife, five children, thirteen grandchildren and fifteen great grandchildren; and

WHEREAS, It is fitting and proper that the military service of Sgt. Cunningham, his service to the Reader community and his life-saving rescue under the Reader Bridge be honored by naming the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the "Army Sgt. Norman R. Cunningham Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the "Army Sgt. Norman R. Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Army Sgt. Norman R. Cunningham Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving family of Sgt. Norman R. Cunningham.

BILLS INTRODUCED

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

By Delegates Iaquinta, Fragale, Boggs, Ellington, M. Poling, Pethtel, Ferro, Miley, Perdue, A. Evans and Perry:

H. B. 2766 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1E-6 relating to creating the "West Virginia Winner" program to promote healthy living and improve lifestyle and increase longevity of West Virginia residents by competing in various athletic and cultural events in the fifty-five counties; providing that the program be administered by the Office of Healthy Lifestyles; and declaring who may participate in the events together with participation fees"; to the Committee on Health and Human Resources then Finance.

By Delegates Miley, Skinner, Poore, Sponaugle, Manchin, Hunt and Barill

[By Request of the Supreme Court of Appeals]:

H. B. 2767 - "A Bill to amend and reenact §62-15-7 of the Code of West Virginia, 1931, as amended, relating generally to requiring the Department of Health and Human Resources to pay for properly licensed, certified, or court approved programs for adult drug offenders participating in drug courts"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Fleischauer, Marshall, Barill, Moore, Perdue, Guthrie, Pasdon, Skinner, Raines, Wells and Iaquinta:

H. B. 2768 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5, all relating to regulating tanning facilities; defining terms; setting forth requirements for registration, inspection and obtaining a permit; setting forth the duties and responsibilities of local boards of health; requiring a consent form; setting forth consent form language; creating operating standards; prohibiting the use of tanning devices by anyone under the age of eighteen; granting rule-making authority to the Department of Health and Human Resources to regulate tanning facilities; setting forth minimum requirements for the rule; and establishing criminal penalties"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Fleischauer, Longstreth, Sponaugle, Skinner, Lynch, Tomblin, Iaquinta, Staggers, Ireland, Diserio and Barill:

H. B. 2769 – "A Bill to amend and reenact §18B-4-9 of the Code of West Virginia, 1931, as amended, relating to requiring state institutions of higher education to give priority registration to veterans and encourage the establishment of resource centers"; to the Committee on Veterans' Affairs and Homeland Security then Education.

By Delegates Caputo, Longstreth, Manchin and Staggers:

H. B. 2770 – "A Bill to amend and reenact §17A-6-7 of the Code of West Virginia, 1931, as amended, relating to permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed"; to the Committee on Roads and Transportation then Finance.

By Delegates Howell, A. Evans, Rowan, Espinosa, Ireland, Shott, Miller, Frich, Hamrick, Cooper and Arvon:

H. B. 2771 – "A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended, relating to elections; nomination certificates for minor party or independent nominations; and requiring candidates to certify the office sought by a notary public prior to obtaining signatures of registered voters"; to the Committee on the Judiciary.

By Delegates Hamrick, Staggers, Barill, Butler, Miley, L. Phillips, White, Skaff, Ferns, Skinner and Boggs:

H. B. 2772 – "A Bill to amend and reenact §17C-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-2 of said code, all relating to permitting motorcyclists and bicyclists to safely proceed through a traffic light if they have waited a minimum of two minutes assuring that any sensor has not detected the motorcycle or bicycle"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Ferns, Storch, R. Phillips, Stowers, Skaff, Andes, Sponaugle, Marcum, Ferro, White and O'Neal:

H. B. 2773 – "A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §49-2-4, relating to state responsibilities for the protection and care of children; requiring the West Virginia Department of Health and Human Resources, Child Protective Services and the West Virginia Division of Juvenile Services to develop, coordinate and implement the Child and Adolescent Needs and Strengths (CANS), evaluation developed by the Buddin Praed Foundation as the accepted system for outcomes evaluation in the State of West Virginia; requiring the West Virginia

Department of Health and Human Services to adopt certain rules and procedures to require staff members of residential and other "out-of--home" child care programs to meet qualifications; definitions; and requiring reports to the Governor and Legislature"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, A. Evans, Rowan, Shott, Frich, Hamrick, Cooper, Arvon, Raines, Armstead and Pasdon:

H. B. 2774 – "A Bill to amend and reenact §8-5-9 of the Code of West Virginia, 1931, as amended, relating to the effects of a criminal conviction and incarceration on a municipal officer; immediate removal and, if a felony, inability to hold public office again"; to the Committee on the Judiciary.

By Delegates Andes, Kump, Cowles, J. Nelson and Householder:

H. B. 2775 – "A Bill to amend and reenact §30-27-4 of the Code of West Virginia, 1931, as amended, relating to abolishing the Board of Barbers and Cosmetologists"; to the Committee on Government Organization.

By Delegates Manypenny, Marshall, Guthrie, Fleischauer, Skinner, Barill, Moore, Perdue, Walker, Shott and Miley:

H. B. 2776 – "A Bill to amend and reenact §59-1-10 and §59-1-11 of the Code of West Virginia, 1931, as amended, all relating to increasing certain filing fees in certain civil actions; establishing new filing fees in certain civil actions; and requiring that those new and increased fees be deposited in the existing Fund for Civil Legal Services for Low Income Persons and an amount retained by the clerk's office"; to the Committee on the Judiciary then Finance.

By Delegates Miley, Skinner, Sponaugle, Manchin, Hunt and Barill

[By Request of the Supreme Court of Appeals]:

H. B. 2777 – "A Bill to amend and reenact §29-21-9 and §29-21-20 of the Code of West Virginia, 1931, as amended, all relating to Public Defender Services; authorizing family court judges to appoint

counsel in contempt cases when jail commitment is possible and providing immunity to attorney appointed by family court judges"; to the Committee on the Judiciary.

By Delegates Perry, Eldridge, Williams, Moye, Staggers, Pino, Marshall, Perdue, Poore, Pasdon and Cowles:

H. B. 2778 – "A Bill to amend and reenact §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to defining alternative nicotine products and electronic cigarettes; prohibiting the sale of alternative nicotine products to individuals under eighteen years of age; prohibiting the use and possession of alternative nicotine products by an individual under eighteen years of age; adding alternative nicotine products to the list of products for which unannounced inspections may be conducted to ensure compliance with sales restrictions; and restricting the sale of alternative nicotine products in vending machines"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Stephens, Morgan, Fleischauer, Perdue, Reynolds, Marshall and Young:

H. B. 2779 – "A Bill to amend the Code of West Virginia, 1931, as amended by adding there to a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark"; to the Committee on Government Organization then the Judiciary.

By Delegates Miley, Skinner, Poore, Manchin, Hunt and Barill [By Request of the Supreme Court of Appeals]:

H. B. 2780 – "A Bill to amend and reenact §49-5D-3 and §49-5D-3c of the Code of West Virginia, 1931, as amended, all relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services; requiring such meetings be held quarterly; authorizing the directors of

detention centers to call such meetings in certain circumstances; and requiring that team members be notified that he or she may participate in team meetings electronically"; to the Committee on the Judiciary.

By Delegates Miley, Fleischauer, Skinner, Poore, Hunt and Barill

[By Request of the Supreme Court of Appeals]:

H. B. 2781 – "A Bill to amend and reenact §49-5-2 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; increasing the number of certified legal education credits required to serve as a court appointed attorney in juvenile cases"; to the Committee on the Judiciary.

By Delegates Miley, Skinner, Shott, Poore, Sponaugle and Hunt

[By Request of the Supreme Court of Appeals]:

H. B. 2782 – "A Bill to amend and reenact §53-8-4 of the Code of West Virginia, 1931, as amended, relating generally to personal safety orders; limiting the issuance of personal safety orders for harassment; and establishing the proper venue for issuance of a personal safety order"; to the Committee on the Judiciary.

By Delegates Miley, Skinner, Shott, Sponaugle, Manchin and Barill

[By Request of the Supreme Court of Appeals]:

H. B. 2783 - "A Bill to amend and reenact §51-2A-7 of the Code of West Virginia, 1931, as amended, relating generally to the powers of family court judges; and granting family court judges the authority to compel and supervise the production of criminal background investigations when appropriate"; to the Committee on the Judiciary.

By Delegates Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers

[By Request of the Consolidated Public Retirement Board]:

H. B. 2784 – "A Bill to amend and reenact §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of the Code of West Virginia,

1931, as amended, and to amend said code by adding thereto a new section, designated §7-14D-7a, all relating to the Deputy Sheriff Retirement System Act; modifying the definition of member in this article; adding a definition for the terms retire and retirement to this article; adding a new section to this article relating to correction of errors; clarifying that an estimation of benefits is provided prior to the submission of a retirement application from a member; and making technical corrections in sections sixteen and nineteen of this article"; to the Committee on Pensions and Retirement then Finance.

By Delegates Staggers, L. Phillips, Barill and Boggs

[By Request of the Transportation Department - Division of Highways]:

H. B. 2785 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-17B-1, §17-17B-2, §17-17B-3, §17-17B-4, §17-17B-5, §17-17B-6, §17-17B-7, §17-17B-8 and §17-17B-9, all relating to DOT-Parkways Authority Collection Enforcement; creating the "Safe and Efficient Parkways Act (SEPA)"; authorizing the electronic enforcement of collection of tolls; establishing penalties for nonpayment and damage to facilities; keeping certain information collected confidential and not subject to the Freedom of Information Act; allowing limited restricted and confidential access to certain information pursuant to subpoenas and court orders on a strictly confidential basis; granting rule-making authority; and defining terms"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Miley, Skinner, Manchin, Hunt and Barill

[By Request of the Supreme Court of Appeals]:

H. B. 2786 – "A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to increasing the allowable number of magistrate court deputy clerks by ten"; to the Committee on the Judiciary then Finance.

By Delegates Hamilton, Barill, Cadle, Ireland, Ellem, D. Poling, Perry, Canterbury, Longstreth, A. Evans and Rowan:

H. B. 2787 – "A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to permitting family court judges and magistrates to carry concealed handguns without a permit"; to the Committee on the Judiciary.

By Delegates Reynolds, Lawrence, Skinner, Stowers, Sponaugle, Skaff, Fleischauer, Campbell, Guthrie, Walker and Marcum:

H. B. 2788 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-2-17, relating to a requirement that attorneys hired by the State of West Virginia for legal positions paying a salary of $100,000 or more must have a license to practice law in the state at the time of hire"; to the Committee on the Judiciary.

By Delegates M. Poling, Fragale, Miley and Iaquinta:

H. B. 2789 – "A Bill to amend and reenact §8-15-11 and §8-15-22 of the Code of West Virginia, 1931, as amended, all relating to reinstating former fire chiefs and deputy chiefs to previously held positions in paid fire departments following an expired term as chief or deputy chief; and exempting fire chiefs and deputy chiefs from certain civil service requirements"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Hartman, Eldridge, Campbell, Sponaugle, Perry, Lynch, Moore and Romine:

H. B. 2790 – "A Bill to amend and reenact §16-13A-4 of the Code of West Virginia, 1931, as amended, relating to public service district board members; increasing the salary of public service district board members; clarifying when salary and expense payments may be made; and adding sewer service to the salary schedule for public service districts which contract with others to provide service"; to the Committee on Government Organization then Finance.

By Delegates Staggers, Longstreth, Williams, White and Perdue:

H. B. 2791 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating to exempting licensed surveyors from liability for defamation or slander of title when performing their professional duties; and providing an exception"; to the Committee on the Judiciary.

By Delegates Walters and Ellem:

H. B. 2792 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-42z, relating to creating a hunting license permitting crossbow hunting; and providing rule-making authority"; to the Committee on Natural Resources then Finance.

By Delegates Walters, Frich and Cowles:

H. B. 2793 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to calculation of West Virginia adjusted gross income for personal income tax purposes; and subtracting social security benefits from federal adjusted gross income to the extent included in federal gross income for federal income tax purposes"; to the Committee on Finance.

By Delegates Reynolds, Stowers, Ferns, Sponaugle, Barrett, R. Phillips, Moye, Skaff, Guthrie, Walker and Marcum:

H. B. 2794 – "A Bill to amend and reenact §33-17A-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting declination or termination of property insurance based solely upon a home owner's possession of a certain breed of dog; and providing an exception"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Storch, Ferns, Ferro, Pethtel, Swartzmiller, Jones, Diserio, Romine, Miley, Pasdon and D. Evans:

H. B. 2795 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5b,

relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to $20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Andes:

H. B. 2796 – "A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring lobbyists to disclose compensation agreements for each registered employer"; to the Committee on the Judiciary then Finance.

By Delegate Andes:

H. B. 2797 – "A Bill to repeal §16-2D-1, §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-4a, §16-2D-4b, §16-2D-5, §16-2D-5a, §16-2D-6, §16-2D-7, §16-2D-7a, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14 and §16-2D-15 of the Code of West Virginia, 1931, as amended; to repeal §16-29A-20; to repeal §16-42-6 of said code; to repeal §49-7-30 of said code; to amend and reenact §9-5-19 of said code; to amend and reenact §16-1-4 of said code; to amend and reenact §16-29B-1, §16-29B-8, §16-29B-11 and §16-29B-19a of said code; to amend and reenact §16-29I-6 of said

code; and to amend and reenact §33-15B-5 of said code, all relating to elimination of the requirement that health facilities receive a certificate of need before opening"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ireland, Espinosa, Hamrick and D. Evans:

H. B. 2798 – "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue a special 'SECOND AMENDMENT' license plate"; to the Committee on Roads and Transportation then Finance.

HOUSE CALENDAR

THIRD READING

Com. Sub. for H. B. 2314, Authorizing a family court judge to order a child to be taken into custody in emergency situations; 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. 10)**, 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: Miley and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2314) 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. 2487, Prohibiting the use of laetrile; 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. 11)**, 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: Miley and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2487) 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

H. B. 2586, Relating to qualifications for a license to practice embalming; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Miley and Storch.

At 11:35 A.M., the House of Delegates adjourned until 1:00 P.M., Monday, March 4, 2013.

MONDAY, MARCH 4, 2013

TWENTIETH DAY

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

The House of Delegates met at 1:00 P.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Friday, March 1, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

BILLS INTRODUCED

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

By Delegate Andes:

H. B. 2799 – "A Bill to repeal §7-7-3, §7-7-4 and §7-7-4a of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-7-1, §7-7-6a and §7-7-6b of said code, all relating to the classification of counties for purpose of determining compensation of elected county officials; compensation of elected county officials and county commissioners for each class of county; legislative findings; authorizing the option of full-time status for part-time prosecuting attorneys; assessors and their additional compensation for additional duties; and, additional compensation of assessors according to county classification"; to the Committee on Finance.

By Delegates Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers

[By Request of the Consolidated Public Retirement Board]:

H. B. 2800 – "A Bill to amend and reenact §18-7A-3, §18-7A-14, §18-7A-17, §18-7A-23, §18-7A-25 and §18-7A-26 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §18-7A-14c, all relating to the Teachers' Retirement System; specifying the time period in which a participating public employer allocates and reports gross salary to the retirement board; including nonteachers within the definition of present member; adding a definition for the terms retire and retirement; modifying the definition of teacher member; adding a new section relating to correction of errors; requiring nonteachers to file a statement with the retirement board detailing the length of service being claimed for retirement credit; clarifying that members granted prior service credit for qualified military service shall have been honorably discharged from active duty; clarifying provisions for purchasing out of state service credit for members who transferred from the Teachers' Defined Contribution Retirement System; providing that a nonteaching member shall not be considered absent from service while serving as an officer with a statewide professional teaching association; requiring that members make written request to the retirement board to receive credit for service previously credited by the Public Employees Retirement System; providing that all interest paid or transferred on service credit from the Public Employees Retirement System be deposited in the reserve fund; providing that an inactive member may elect to receive an annuity at age sixty; providing that the sole primary beneficiary of a member is eligible for an annuity if the contributor was fifty years old with twenty-five years service; providing that a refund beneficiary shall receive the contributor's accumulated contributions up to the plan year of contributor's death; providing that a refund beneficiary shall be paid the Teachers' Defined Contribution Retirement System member contributions transferred plus the vested portion of employer contributions and any earnings; providing that an actively contributing member who is at least sixty years of age is eligible for an annuity; providing that any member who

has thirty years of total service in the state as a nonteaching member is eligible for an annuity; specifying that anyone who becomes a new member on or after July 1, 2013, shall have five or more years of contributory service to qualify for retirement; providing that a nonteaching member who is fifty- five years of age and has served thirty years in the state is eligible for an annuity; clarifying that a nonteaching member is eligible for disability benefits; clarifying the computation of a member's annuity; providing for the commencement date of disability annuity benefits; and making technical corrections throughout this article"; to the Committee on Pensions and Retirement then Finance.

By Delegates Reynolds, R. Phillips, Skaff, Andes, Swartzmiller and Miley:

H. B. 2801 – "A Bill to amend Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §15-5-29, relating to emergency management; creating the 'West Virginia Infrastructure Emergency Response Act of 2013', definitions; the presence of out-of-state employees and businesses, including affiliates of in-state businesses, that temporarily provide resources and personnel in the state during a state of emergency declared by either the Governor, the Legislature or the President of the United States; providing that these businesses are exempt from requirements for business and employee taxes or other criteria for purposes of certain state and local taxes, licensing and regulatory requirements on a temporary basis during the period they provide help and assistance in response to a declared state disaster or emergency; providing this exemption does not include certain transaction taxes and fees during the emergency period, unless otherwise exempted during an emergency period; providing for legislative rules; and effective date"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers

[By Request of the Consolidated Public Retirement Board]:

H. B. 2802 – "A Bill to amend and reenact §16-5V-2, §16-5V-8, §16-5V-11, §16-5V-20, §16-5V-21 and §16-5V-24 of the Code of

West Virginia, 1931, as amended, and to amend said code by adding thereto two new sections, designated §16-5V-8a and §16-5V-35, all relating to the Emergency Medical Services Retirement System; modifying the definition of annual compensation as it relates to determining benefits; adding a definition for contributing service to this article; adding a definition for the terms retire and retirement to this article; making technical corrections in section two of this article; adding a new section to this article relating to correction of participating public employer errors by the board; clarifying eligibility requirements for commencement of benefits; specifying that the board must be in receipt of a request for estimation of benefits prior to providing a member with an explanation of their estimated gross monthly annuity and a retirement application; providing that a member shall have at least ten years of contributing service to qualify for nonduty related disability retirement; specifying that the total nonduty disability award received by a member shall be based on their average monthly compensation during the twelve month period immediately preceding the disability award; providing that all costs associated with disability benefit examinations shall be paid from the board's expense fund; providing that disability benefits shall cease on the first day of the month following termination of disability by the board; requiring annual disability recertification for a retirant who is less than sixty years of age during the first five years of retirement and once every three years thereafter; providing that if a member who is receiving a nonduty disability benefit dies the surviving spouse shall receive the average monthly compensation received by the member prior to the disability award; and adding a new section to this article relating to the annuity calculation for a member who returns to covered employment after retirement"; to the Committee on Pensions and Retirement then Finance.

By Delegates Manchin, M. Poling, Iaquinta, Guthrie, Moore, Marshall and Manypenny:

H. B. 2803 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-19, relating to requiring electric utilities to implement integrated resource

plans; requiring the Public Service Commission to order development of integrated resource plans; specifying certain deadlines for the plans; requiring commission review, public hearing and option for requesting further information; and addressing the commission's use of the plan"; to the Committee on Government Organization then the Judiciary.

By Delegates P. Smith, Hunt, Barill, Walker, Eldridge, Skaff, Marcum, White and Campbell:

H. B. 2804 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-16b, relating to creating criminal penalties for assault or battery on a pregnant woman against the will and without the consent of the woman where the perpetrator knows or has reason to know that the victim is pregnant; creating both misdemeanors and felonies; and providing for incremental penalties for multiple batteries"; to the Committee on the Judiciary then Finance.

By Delegates Manchin, Miley, Ellem, Lane, Fleischauer, Manypenny, Guthrie, Caputo, Reynolds, White and Skinner:

H. B. 2805 – "A Bill to repeal §3-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1A-5 of said code; and to amend and reenact §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-6, §3-12-7, §3-12-9, §3-12-10, §3-12-11, §3-12-13, §3-12-14 and §3-12-16 of said code, all relating to making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program; providing an additional finding; modifying an existing definition; deleting a definition; providing that a candidate may not collect exploratory contributions after filing a declaration of intent; limiting the amounts an individual may contribute during certain periods; requiring all contributions to candidates participating in the program be collected by the candidate's financial agent; increasing the amounts of financing certified candidates may receive in contested elections; removing provisions that permit the release of additional funds in certain circumstances; removing certain reporting requirements; and removing a provision permitting the doubling of civil penalties"; to the Committee on the Judiciary then Finance.

By Delegates Perry, Moore, Barill, Campbell, Pino, Staggers, Morgan and M. Poling:

H. B. 2806 – "A Bill to amend and reenact §25-1A-2 of the Code of West Virginia, 1931, as amended, relating to administrative remedies for prisoners generally; defining administrative remedies; bringing law into federal compliance; and requiring that a prisoner first exhaust such remedies prior to resorting to litigation"; to the Committee on the Judiciary.

By Delegate Andes:

H. B. 2807 – "A Bill to amend and reenact §18-2E-3a of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to pay annual bonuses of $5,000 to teachers of advanced placement courses in math or science"; to the Committee on Education then Finance.

By Delegates Andes, Householder, Arvon, Gearheart and Raines:

H. B. 2808 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, §18-2L-12, §18-2L-13, §18-2L-14 and §18-2L-15, all relating to authorizing the establishment of charter schools; stating a purpose; when applicable; formation of charter schools; charter school contracts; providing exemption from statutes and rules; requirements and admission requirements; standards; minimum instruction days; student transportation; teacher leave of absence; and providing a severability and repealer clause"; to the Committee on Education then Finance.

By Delegates Poore, Sobonya, Skinner, Morgan, Moye, D. Poling, Campbell, Hartman, Guthrie, Ellem and Miller:

H. B. 2809 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §25-8-1, relating to authorizing the Division of Corrections to implement a responsible parent program pilot project; setting forth requirements to

participate in the program; setting forth program goals; and requiring a report"; to the Committee on the Judiciary.

By Delegates P. Smith, Longstreth, L. Phillips, Marcum, Hunt, Barill, Walker, Lawrence, Stowers, Eldridge and Skaff:

H. B. 2810 – "A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to limitations and restrictions placed on sex offenders who have been adjudicated as violent sexual predators or who are under active supervision as a condition of release on parole or probation; clarifying the statutory restrictions against those persons living or working within one thousand feet of a school, child care facility or residence of a former victim; and defining terms"; to the Committee on the Judiciary.

By Delegate Perry:

H. B. 2811 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-16-1, relating to prohibiting convicted felons from holding employment positions that provide them with access to medical, financial or other confidential information of clients or patients of the employer; and authorizing rule-making"; to the Committee on the Judiciary.

By Delegates Ireland, White, Marcum, Perry, Moore, Craig, Perdue, Ferns, Espinosa and Anderson:

H. B. 2812 – "A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-1C-5c, all relating to the valuation of motor vehicles for purposes of ad valorem property taxes; requiring antique motor vehicles not used for general transportation to be assigned an appraised value of $5,000; and requiring the assessed value for all motor vehicles to be at least $420"; to the Committee on Roads and Transportation then Finance.

By Delegate Guthrie:

H. B. 2813 – "A Bill to amend and reenact §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10b and §5A-3-11c of the Code of West Virginia,

1931, as amended, all relating generally to the purchasing division; making technical corrections; requiring that the manner in which spending units may be authorized to make direct purchases must be consistent with the other requirements of this article; requiring that the director of purchasing may not authorize a contract that would allow an agency to circumvent the $25,000 threshold for agency purchases; requiring that best value procurements are subject to the other requirements of this article; and clarifying that an award to multiple vendors remains subject to the other requirements of this article"; to the Committee on Government Organization then Finance.

By Delegates Fleischauer, Poore, Guthrie, Moore, Sobonya, Hunt, Longstreth, L. Phillips, Marshall, Manchin and Wells:

H. B. 2814 – "A Bill to amend and reenact §61-2-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4, §61-11B-5, §61-11B-6 and §61-11B-7, all relating to human trafficking; modifying definitions of human trafficking and sex trafficking of adults; authorizing forfeiture of certain assets used in human trafficking; authorizing civil cause of action for victims of human trafficking; requiring classification of victims and immigration assistance under specified circumstances; specifying that a victim of human trafficking is a victim under the West Virginia Crime Victims Compensation Act; providing a procedure for vacating certain prostitution convictions; and providing that remedies are cumulative"; to the Committee on the Judiciary.

HOUSE CALENDAR

THIRD READING

H. B. 2586, Relating to qualifications for a license to practice embalming; 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. 12)**, 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: J. Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2586) passed.

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

On this question, the yeas and nays were taken **(Roll No. 13)**, 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: J. Nelson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2586) 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.

FIRST READING

Com. Sub. for H. B. 2585, Increasing the time to file a petition in response to notice of an increased assessment; on first reading, coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leave of absence for the day was granted Delegate J. Nelson.

At 1:22 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, March 5, 2013.

TUESDAY, MARCH 5, 2013

TWENTY-FIRST DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Monday, March 4, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

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

H. C. R. 54 - "Requesting the Division of Highways to name the bridge located at Chapmanville, Logan County, West Virginia, specifically bridge number 23-3.015, the 'Sergeant First Class Thomas Clyde Farley Memorial Bridge'."

WHEREAS, Sergeant First Class Thomas Clyde Farley entered military service in 1986, as a wire systems installer in the United States Army. During his time in the ARMY, SFC Farley served with the Company C, 8 Signal Battalion, 69th Signal Company and 16th Signal

Company, 40th Signal Battalion. During this time he was stationed at Fort Jackson, SC, Fort Huachuca, AZ and Bad Kreuznach, Germany. SFC Farley also participated in the Invasion of Panama in 1989 in support of Operation Just Cause. SFC Farley served for six years and then enlisted in the Army National Guard in 1992 where he was assigned to Company D, 1/150th Armor. SFC Farley transferred in 1994 to B Company, 1/252 Armor Company, SFC Farley deployed to Bosnia in 2000-2001 in support of Operation Joint Forge. In 2004-2005 SFC Farley deployed to Iraq in support of Operation Iraqi Freedom where he served as Platoon Leaders Gunner and Vehicle Commander; and

WHEREAS, During his twenty-year military career Sergeant First Class Farley earned achievement and decoration for his years of experience and exemplary actions. Some of those decorations include: Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal (5th Award), Good Conduct Medal (2nd Award), Army Reserve Components Achievement Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Humanitarian Service Medal, and many more. Sergeant First Class Thomas Clyde Farley gave his life in the service of his country and state and his sacrifice should not go unnoticed; and

WHEREAS, It is fitting to honor Thomas Clyde Farley by naming the bridge located at Chapmanville, Logan County, West Virginia, specifically bridge number 23-3.015, the "Sergeant First Class Thomas Clyde Farley Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge located at Chapmanville, Logan County, West Virginia, specifically bridge number 23-3.015, the "Sergeant First Class Thomas Clyde Farley Memorial Bridge"; and, be it

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

the "Sergeant First Class Thomas Clyde Farley Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation; and to the surviving family and relatives of Sergeant First Class Thomas Clyde Farley.

Delegates Campbell, Hartman, Lynch, Williams, Skaff, L.Phillips, Staggers, M. Poling and Reynolds offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 55 - "Requesting the Division of Highways to name the bridge known as Shavers Fork Bridge on U.S. Route 33 near Harman in Randolph County, bridge number 42-33-18.44, as the 'Trooper Brian William Linn Memorial Bridge'."

WHEREAS, Trooper Brian William Linn was born in Elkins, West Virginia on April 22, 1982 to Thomas C. Linn and Mary Ruth Snelson; and

WHEREAS, Trooper Linn graduated from Elkins High School in 2000, where he was active in athletics and other extracurricular activities, and was an avid outdoors man; and

WHEREAS, Trooper Linn enlisted in the West Virginia Army National Guard's 229th Engineering Unit at Camp Dawson, West Virginia, in April of 2000, and was deployed to Camp Doha, Kuwait, as part of Operation Enduring Freedom before being transferred to the A Battery 201st Field Artillery Unit and later being deployed to Scania, Iraq as a part of Operation Iraqi Freedom; and

WHEREAS, Trooper Linn was honorably discharged on March 24, 2007, having attained the rank of Specialist E-4, and having been awarded the Army Achievement Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Medal, the Armed

Forces Reserve Medal with "M" Device, the Army Service Ribbon and a Driver's Mechanic Badge; and

WHEREAS, Trooper Linn enlisted in the West Virginia State Police on September 26, 2005, and graduated from the West Virginia State Police Academy as a member of the 55th Cadet Class and earned an Associate's Degree in Police Science from Marshall University during his State police training. He was stationed at the Charles Town State Police Detachment in Jefferson County, and became a resident of Martinsburg; and

WHEREAS, Trooper Brian William Linn died in the line of duty on November 3, 2007, while responding to a call for assistance by a fellow Trooper at Kearneysville; and

WHEREAS, Trooper Linn is survived by his wife, Melissa; two daughters, Paige, age fourteen and Madeline, age seven, and was a proud and dedicated husband and father; and

WHEREAS, Trooper Linn is also survived by his parents Thomas C. Linn and Mary Ruth Snelson, and by his stepmother, Vicki Linn, stepfather, Arnold Snelson, two brothers Mary Linn and Aaron Linn, two stepsisters, Mandi Foster and Holly Baughman, two stepbrothers, Michael Foster and Larry Snelson, paternal grandmother, Madeline Linn Phillips, one niece, two nephews, numerous aunts, uncles and cousins; and

WHEREAS, The West Virginia State Police play an essential role in safeguarding the safety, rights and freedoms of all West Virginians, often at their own peril; and

WHEREAS, Trooper Brian William Linn gave of himself with bravery in the face of personal danger and in his supreme sacrifice for his community brings honor to his family, friends, fellow troopers, the citizens of Randolph, Jefferson and Berkeley Counties, and the entire State of West Virginia; and

WHEREAS, It is fitting to honor Trooper Brian William Linn for his sacrifice to protect his fellow man and advance the common good by naming the bridge known as Shavers Fork Bridge on U.S. Route 33 near Harman in Randolph County, bridge number 42-33-18.44, as the "Trooper Brian William Linn Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge known as Shavers Fork Bridge on U.S. Route 33 near Harman in Randolph County, bridge number 42-33-18.44, as the "Trooper Brian William Linn Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Trooper Brian William Linn Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation, to his wife, Melissa, and to his daughters Paige Linn and Madeline Linn.

Delegates Faircloth, Folk, Andes, Arvon, Ashley, Azinger, Butler, Cadle, Campbell, Canterbury, Caputo, Diserio, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Ferns, Fleischauer, Frich, Gearheart, Guthrie, Hartman, Howell, Ireland, Lane, Lawrence, Longstreth, Lynch, Manypenny, McCuskey, Miller, Morgan, E. Nelson, J. Nelson, Paxton, R. Phillips, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Wells and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 56 - "Requesting that the bridge being constructed on County Route 6, Dry Run Road, crossing Back Creek near Hedgesville, Berkeley County, West Virginia, be named the 'John Edgar Saville Memorial Bridge'."

WHEREAS, John Edgar Saville was born September 13, 1890, and as a young man taught at Greenwood School, Berkeley Springs, West Virginia, before enlisting in the United States Army on May 27, 1918; and

WHEREAS, Following his enlistment during which he attained the Gold War Star for exemplary service, John Edgar Saville returned to teach at the Tomahawk School at Hedgesville, West Virginia, and was principal of the school for seventeen years; and

WHEREAS, John Edgar Saville married Leva Alva Pitzer, and had two daughters, Evelyn Marie Saville and Margaret Eloise Saville; and

WHEREAS, In 1917, John Edgar Saville purchased a farm consisting of 250 acres of land surrounding the area on which the new bridge on County Route 6, Dry Run Road near Hedgesville, Berkeley County, West Virginia, is being constructed; and

WHEREAS, John Edgar Saville died November 11, 1940, survived by his widow and daughters age eight and ten years of age; and

WHEREAS, Part of the family farm containing the original home place has been retained by the family these many years, and Mr. Saville's daughter, Margaret Eloise Saville Wilhelm, still lives in the family home in which she was born eighty-one years ago; and

WHEREAS, It is fitting to establish this memorial to call attention to the more than one hundred years of history associated with John Edgar Saville and his family's work and life on the land; therefore, be it

Resolved by the Legislature of West Virginia:

That the bridge being constructed on County Route 6, Dry Run Road, near Hedgesville, Berkeley County, West Virginia, be named the "John Edgar Saville Memorial Bridge"; and, be it

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

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to Margaret Eloise Wilhelm, Dry Run Road, Hedgesville, West Virginia.

Delegates L. Phillips, Arvon, Border, Campbell, Fleischauer, Frich, Guthrie, Lawrence, Longstreth, Marshall, Miller, Pasdon, M. Poling, Poore, Raines, Rowan, P. Smith, Sobonya, Staggers, Storch and Sumner offered the following resolution, which was read by the Clerk as follows:

H. R. 17 - "Honoring the West Virginia Women's Commission and designating March 5, 2013 as 'Women's Day at the West Virginia Legislature'."

WHEREAS, On July 9, 1977, the West Virginia Legislature passed House Bill 1378, creating the West Virginia Women's Commission to encourage study and review of the needs of women in the State; and

WHEREAS, The commission consisted of eleven commissioners appointed by the Governor to serve as liaisons between the women of the State and the employee's of the commission, and seven ex-officio commissioners representing various state government offices; and

WHEREAS, Today, thirty-six years after the commission's inception, its mission has continued to move forward through advocacy, education and research; and

WHEREAS, The commissioners and staff continue the mission of the commission through advocacy for issues of importance to women and families of our State; through continued research into what women

need and want in the areas of public policy and programs; and through updating the 2002 Status of West Virginia Women with the help of the Institute for Women's Policy Research and several partner organizations; and

WHEREAS, The commission has continued its history of honoring women across the State through "Celebrating a Legacy of Women in Public Service" during Women's History Month; the education of women and legislators during the Annual Women's Day at the Legislature, including a second day of workshops; completing an annual policy statement highlighting legislation of importance to women and families; an Annual Women's Equality Day Celebration commemorating the passage of the 19th Amendment to the United States Constitution; and through programs and collaborations with partners organizations that allow women the opportunity to participate in learning experiences through workshops focused on citizen advocacy; and

WHEREAS, The women of West Virginia are gathered today to celebrate and commemorate the 36th year of the West Virginia Women's Commission and continue to "be the change we wish to see" in their communities and their state; therefore, be it

Resolved by the House of Delegates:

That the House hereby designates March 5, 2013, as Women's Day at the West Virginia Legislature; and, be it

Further Resolved, That the House hereby honors the West Virginia Women's Commission members and staff on March 5, 2013, for their contributions to our state; and, be it

Further Resolved, That the House of Delegates invites all citizens of West Virginia to join in recognizing this day as Women's Day at the West Virginia Legislature, and encourages all women to become involved in local and state government, and to work toward continuing

to make a difference in the lives of future generations of West Virginians; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the West Virginia Women's Commission.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 17) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

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

Your Committee on Education has had under consideration:

H. B. 2727, Relating to the school aid formula,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2727) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2764, Relating to compulsory school attendance,

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

Com. Sub. for H. B. 2764 - "A Bill to amend and reenact §18-8-4 of the code of West Virginia, 1931, as amended, relating to compulsory school attendance; and extending the authority and duties of attendance directors to assistant attendance directors,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2716) was referred to the Committee on Finance.

Delegate Miley, 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. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license,

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

Com. Sub. for H. B. 2351 - "A Bill to amend and reenact §17C-19-3 of the Code of West Virginia, 1931, as amended, relating to requiring an arresting law enforcement officer to promptly present

before a magistrate or court an individual charged with driving with a suspended or revoked license, and providing the option to issue a citation if a magistrate or court is not on duty or reasonably available,"

H. B. 2450, Granting licensed real estate appraisers access to commercial or residential review documents,

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

Com. Sub. for H. B. 2450 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-2-12, relating to county assessors, granting licensed real estate appraiser limited access to assessor review documents to determine comparable market value, and authorizing a fee,"

And,

H. B. 2579, Revising state water quality standard for Selenium,

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

Com. Sub. for H. B. 2579 - "A Bill to amend and reenact §22-11-6 of the Code of West Virginia, 1931, as amended, relating to protecting state waters; providing legislative findings; revising implementation plan to establish state specific selenium criteria; and directing study to develop state-specific selenium criteria,"

With the recommendation that the committee substitutes each do pass.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2729) was referred to the Committee on the Judiciary.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2656, Board of Dental Examiners, practitioner requirements for accessing the West Virginia controlled substances monitoring program database,

H. B. 2657, Board of Dental Examiners, continuing education requirements,

H. B. 2680, Board of Medicine, practitioner requirements for accessing the West Virginia controlled substances monitoring program data base,

H. B. 2681, Board of Medicine, rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants,

H. B. 2682, Board of Medicine, continuing education for physicians and podiatrists,

H. B. 2690, Board of Osteopathic Medicine, licensing procedures for osteopathic physicians,

H. B. 2691, Board of Osteopathic Medicine, osteopathic physician assistants,

H. B. 2692, Board of Osteopathic Medicine, relating to practitioner requirements for controlled substances licensure and accessing the West Virginia controlled substances monitoring program database,

H. B. 2694, Board of Pharmacy, controlled substances monitoring,

And,

H. B. 2698, Board of Examiners for Registered Professional Nurses, practitioner requirements for accessing the West Virginia controlled substances monitoring program database,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2656, H. B. 2657, H. B. 2680, H. B. 2681, H. B. 2682, H. B. 2690, H. B. 2691, H. B. 2692, H. B. 2694 and H. B. 2698) were each referred to the Committee on the Judiciary.

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. 172 - "A Bill to amend and reenact §11-16-3 and §11-16-8 of the Code of West Virginia, 1931, as amended, all relating to the Nonintoxicating Beer Act generally; expanding the definition of 'person' for purposes of holding a nonintoxicating beer distributorship; allowing trusts, limited liability companies and associations to hold a distributor's license; and requiring certain disclosures by applicants that are trusts, limited liability companies or

associations"; which was referred to the Committee on the Judiciary then 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. 197 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of $23,972,984 from the Department of Administration - Office of the Secretary, fund 0186, fiscal year 2008, organization 0201, activity 635, and in the amount of $5,000,000 from the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2008, organization 0310, activity 761, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2013, organization 0221, and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013"; which was referred to the Committee on Finance.

BILLS INTRODUCED

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

By Delegates Miley, Fleischauer, Skinner, Shott and Barill

[By Request of the Supreme Court of Appeals]:

H. B. 2815 - "A Bill to amend and reenact §44-10-3 of the Code of West Virginia, 1931, as amended, relating generally to clarifying and modifying the process of appointing and terminating guardians for minors"; to the Committee on the Judiciary.

By Delegates Howell, A. Evans, Rowan, Espinosa, Ireland, Folk, Shott, J. Nelson, Miller, Westfall and Frich:

H. B. 2816 – "A Bill to amend and reenact §8-5-7 of the Code of West Virginia, 1931, as amended, relating to municipalities; residency requirements of candidates for council; and requiring six-month residency before being eligible to run for election to city or municipal council"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Reynolds, Skaff, Stowers, Sponaugle, Moye, Ferns, P. Smith, McCuskey, L. Phillips, Guthrie and Campbell:

H. B. 2817 – "A Bill to amend and reenact §11-6D-2, §11-6D-4 and §11-6D-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-6D-10, all relating generally to use of alternative-fuel motor vehicles; eliminating the availability of a tax credit for vehicles that are capable of running on ethanol and certain fuel mixtures containing ethanol, methanol or other alcohols; removing the requirement that a converted vehicle must operate exclusively on an alternative fuel in order to take the credit; eliminating a rule requirement; allowing pass-through entities to distribute credits to pass-through equity owners in any manner those equity owners see fit; permitting the transfer of tax credits for purchase of alternative-fuel vehicles, conversion to an alternative-fuel vehicle or construction of alternative-fuel vehicle infrastructure; setting forth how those transfers of tax credits may be accomplished; providing an exception; and permitting government entities and nonprofit entities to utilize certain tax credits"; to the Committee on Roads and Transportation then Finance.

By Delegates Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers

[By Request of the Consolidated Public Retirement Board]:

H. B. 2818 – "A Bill to amend and reenact §18-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding

thereto a new section, designated §18-7B-21, all relating to the Teachers' Defined Contribution Retirement System; adding a definition of employment term; making a technical correction; and adding a provision relating to correction of errors by participating public employers and the Consolidated Public Retirement Board"; to the Committee on Pensions and Retirement then Finance.

By Delegates Guthrie, Hartman, Ashley and Walters:

H. B. 2819 – "A Bill to amend and reenact §33-31-16a of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-40-3 of said code, all relating to the financial oversight of entities regulated by the Insurance Commissioner; requiring captive insurance companies organized as risk retention groups to comply with risk-based capital for insurers' provisions and a specific state rule; and incorporating a solvency trend test for property and casualty insurance companies"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates P. Smith, Walker, L. Phillips, Barill, Pino, Longstreth, Hunt and Lynch:

H. B. 2820 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-11b; and to amend and reenact §62-12-26 of said code, all relating to prohibiting a person convicted of a sexual offense against a child from being on school property without written permission of a judge or parole officer; creating criminal penalties; and defining terms"; to the Committee on the Judiciary then Finance.

By Delegates Pethtel, Stephens, Swartzmiller, Romine, Ferns, Azinger, Boggs and Williams:

H. B. 2821 – "A Bill to amend and reenact §30-27-10 of the Code of West Virginia, 1931, as amended relating to the Board of Barbers and Cosmetologists; and exempting cosmetologists who have been licensed for twenty years or more from continuing education requirements"; to the Committee on Government Organization.

By Delegates Pethtel, Jones, Craig, Canterbury, Kump, Lynch and Stowers

[By Request of the Consolidated Public Retirement Board]:

H. B. 2822 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-11, relating to the liability of a participating public employer and its successor to pay delinquent retirement contributions, delinquency fees and related costs; and enforcement and collection of the costs by the Consolidated Public Retirement Board"; to the Committee on Pensions and Retirement then Finance.

By Delegates Azinger, Walters, Hamilton, Guthrie and Manchin:

H. B. 2823 – "A Bill to amend and reenact §17D-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum proof of financial responsibility in motor vehicle insurance coverage"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Lawrence, L. Phillips, Stowers, Marcum, Shott, Sobonya, Moore, Skaff, Poore, Barrett and Manchin:

H. B. 2824 – "A Bill to repeal §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-308, §48-1-309, §48-1-310 and §48-1-311; to amend said code by adding thereto a new article, designated §49-1A-1 and §49-1A-2; and to amend said code by adding thereto four new sections, designated §61-11-27, §61-11-28, §61-11-29 and §61-11-30, all relating to procedures and protections for child witnesses in domestic relations, child abuse and neglect and criminal proceedings; setting forth the rights of child witnesses; establishing the procedure and safeguards to be used when taking testimony of a child witness; permitting a court in certain instances to permit a child witness to give testimony by closed-circuit television; establishing the procedure to be used when taking testimony of a child witness by closed-circuit television; protecting recordings made of

statements by child witnesses; providing for confidentiality; providing for instances when the child witness may also be a victim; and permitting a support person for a child witness"; to the Committee on the Judiciary.

By Delegates Perdue, Perry, Ferns, Morgan, M. Poling, Staggers, White and Williams:

H. B. 2825 – "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to certain appointive state officers' salaries"; to the Committee on Government Organization then Finance.

By Delegates R. Phillips, D. Poling, Skaff, Diserio, Campbell, White, Boggs, Stowers, Tomblin, Eldridge and Marcum

[By Request of the Division of Environmental Protection]:

H. B. 2826 – "A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to the state's jurisdiction over reclaimed sites of bond-forfeited surface mining operations"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates L. Phillips, Stephens, Campbell, Hartman, Walker, P. Smith, Stowers, Eldridge and Perdue:

H. B. 2827 – "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to modifying the funding ratio of school students to counselors; providing counties with the flexibility to set caseload standards so long as the standards equally distribute counselors to students at each academic level throughout the county and providing protection for counties that currently exceed the proposed funding ratio"; to the Committee on Education then Finance.

By Delegates Hunt, Barill, Moore, Paxton, Faircloth, Kump, P. Smith, Lane, Overington, Ferro and Pino:

H. B. 2828 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d,

relating to the crime of soliciting or attempting to solicit a child into a motor vehicle near a school; and providing a felony criminal penalty"; to the Committee on the Judiciary then Finance.

By Delegates Miley, Skinner, Manchin, Hunt and Barill
[By Request of the Supreme Court of Appeals]:

H. B. 2829 – "A Bill to amend and reenact §50-1-1 of the Code of West Virginia, 1931, as amended, relating to the nomination and election of magistrates; providing that counties shall be divided into magistrate divisions based on the number of magistrates in each county; requiring a magistrate candidate to run within given division but will receive votes from the entire county; providing that the candidates receiving the greater number of votes in each division shall be nominated or elected, as appropriate; and deleting outdated language"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Eldridge and Marcum:

H. B. 2830 – "A Bill to amend and reenact §19-23-2, §19-23-4, §19-23-6, §19-23-9, §19-23-10, §19-23-12a, §19-23-12b, §19-23-12c, §19-23-13b and §19-23-13c of the Code of West Virginia, 1931, as amended, all relating to horse and dog racing generally; requiring licensees to provide preferential treatment to certain trainers; setting forth the criteria for receiving preferential treatment; increasing the West Virginia Racing Commission by two members; setting forth qualifications; authorizing the commission to adjudicate certain disputes; authoring the commission to approve or reject certain racing associations' house rules; authorizing the commission to regulate stall allocation criteria; requiring thoroughbred licensees to pay three percent of paid purses to the local Horseman's Benevolent and Protective Association; requiring greyhound licensees to pay one percent of paid purses to the local West Virginia Greyhound Owners and Breeders Association; granting all greyhound owners and breeders of certain greyhounds full voting membership in the West Virginia Greyhound Owners and Breeders Association; requiring dog racing

associations to provide certain indoor facilities and handicap access at racetracks; clarifying code requirements that ninety percent of the deposits into the Greyhound Breeding Development Fund be used to fund supplemental purse awards, stakes races and training track facilities; clarifying code requirements that ten percent of the deposits into the Greyhound Breeding Development Fund be used to fund administration, promotion, education, and greyhound adoption programs; requiring the commission to provide accounting statements to greyhound owners; requiring the West Virginia Lottery Commission to assist the Racing Commission in providing a detailed statement of racetrack video lottery distributions into the West Virginia Greyhound Breeding Development Fund; setting forth the contents of those statements; providing that any year end balance in the Greyhound Breeding Development Fund be distributed to owners and breeders of West Virginia whelped greyhounds on a pro rata basis; requiring a monthly minimum of $22,000 be reserved in the West Virginia Greyhound Breeding Development Fund to fund four yearly West Virginia whelped greyhound stake races; establishing the values of certain open stake races and juvenile stake races for greyhounds; providing that up to three percent of yearly deposits into the West Virginia Greyhound Breeding Development Fund shall be used to pay valid adoption applications; providing that racing associations at dog tracks must have the written approval of the authorized representative of a majority of the owners and breeders at the dog racetrack in order to contract with legal wagering entities to accept wagers on any race or races conducted by that entity; requiring dog racetrack licensees pay six percent of the net simulcast income to the West Virginia Greyhound Breeding Development Fund; requiring the dog racing association to deposit three percent of the total wagering handle on all imported simulcast race signals into track purse accounts; requiring dog racetracks to pay seven and one-half percent of the signal transmission fee into the West Virginia Greyhound Breeding Development Fund; permitting the full year end balance in breeders/raisers, sire owners and purse supplement funds to revert into the Thoroughbred Development Fund for distribution to racing

associations and licensees instead of first being used to fund certain races; providing for additional horse races; providing that certain horse racing wins will not be considered for certain open races eligibility; authorizing an annual $400,000 expenditure from the West Virginia Racing Commission Racetrack Video Lottery Account be used for purses in a newly created West Virginia Greyhound Challenge Stakes Race; decreasing the amount of certain funds available for capital improvements at dog racetracks; decreasing the amount of certain funds paid into the West Virginia Racing Commission-Special Account-West Virginia Greyhound Breeding Development Fund; using certain funds to fund the West Virginia Greyhound Challenge Stakes Race; decreasing the amount of certain funds available for capital improvements at horse racetracks; requiring certain funds be deposited into the West Virginia Racing Commission Special Account-Unredeemed Pari-Mutuel Tickets; authorizing rulemaking; and updating language"; to the Committee on Government Organization then Finance.

By Delegates Ferns, Storch, Miley, Eldridge, Fragale, Moore, Diserio, Ferro, Cowles, Ellington and Householder:

H. B. 2831 – "A Bill to amend and reenact §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, all relating to mandatory immunizations for school children; providing exemptions; application of informed consent; and composition and appointment of the Childhood Immunization Advisory Committee"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Frich, Hamilton, Marcum, R. Phillips, White, Staggers, Barill, Marshall, Longstreth, Howell and Hunt:

H. B. 2832 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to creating the 'Firearm Protection Act'; providing that any federal law which attempts to ban semiautomatic firearm or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing for an effective date"; to the Committee on the Judiciary.

By Delegates Miley, Skinner, Shott, Manchin, Hunt and Barill
[By Request of the Supreme Court of Appeals]:

H. B. 2833 – "A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to the judicial retirement system; reducing the contribution rate of judges; authorizing the Consolidated Public Retirement Board to annually establish future participant contribution rates based on the State Actuary's report; and limiting the participant contribution rate to ten and one-half percent of a participant's salary"; to the Committee on Pensions and Retirement then Finance.

HOUSE CALENDAR

SECOND READING

Com. Sub. for H. B. 2585, Increasing the time to file a petition in response to notice of an increased assessment; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

At 11:45 A.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, March 6, 2013.

WEDNESDAY, MARCH 6, 2013

TWENTY-SECOND DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, March 5, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Morgan, 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. 2638, Real Estate Appraiser Licensing and Certification Board, renewal of licensure, qualifications for renewal,

H. B. 2642, Board of Examiners for Speech-Language Pathology and Audiology, licensure of speech-pathology and audiology,

And,

H. B. 2696, Real Estate Appraiser Licensing and Certification Board, requirements for licensure and certification,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2638, H. B. 2642 and H. B. 2696) were each referred to the Committee on the Judiciary.

Delegate Miley, 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 Amber Alert Plan,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2453) was referred to the Committee on Finance.

Delegate Miley, 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. 2361, Relating to the definition of "eligible veteran" for certain state training and employment preference benefits,

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

Delegate Miley, 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. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities,

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

Com. Sub. for H. B. 2553 - "A Bill to amend and reenact §31B-8-809 of the Code of West Virginia, 1931, as amended; to amend and reenact §31D-14-1420 of said code; to amend and reenact §31D-15-1530 of said code; to amend and reenact §31E-13-1320 of said code; and to amend and reenact §31E-14-1430 of said code, all relating to the authority to conduct business in the state; authorizing the Secretary of State to administratively dissolve or revoke the certificate of authority of certain business entities; authorizing dissolution or revocation if a professional license has been revoked and that license is necessary for the continued operation of the business entity, and authorizing dissolution or revocation if the business entity is in default with the Bureau of Employment Programs,"

And,

H. B. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations,

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

Com. Sub. for H. B. 2554 - "A Bill to amend and reenact §31D-15-1532 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31D-15-1533; to amend and reenact §31E-14-1432 of said code; to amend said code by adding thereto a new section, designated §31E-14-1533; and to amend and reenact §59-1-2 of said code, all relating to providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations; establishing a fee for reinstatement, and establishing a fee for parties to corporate mergers,"

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2760, Creating a uniform regulation of firearms, ammunition, and firearm accessories,

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

Com. Sub. for H. B. 2760 - "A Bill to repeal §8-12-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §7-1-3 of said code; to amend and reenact §8-12-5 of said code; and to amend said code, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to crimes and punishment; jurisdiction, powers and duties of county commissions; general powers of municipalities and their governing bodies; uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia solely by the Legislature; legislative intent; definition; general rules relating to the regulation of firearms, ammunition and firearm accessories; remedies for unlawful regulation; providing for exceptions; and providing applicability, grand fathering clause and effective date,"

With the recommendation that the committee substitute do pass.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 47 - "A Bill to repeal §19-18-4, §19-18-5, §19-18-6, §19-18-7, §19-18-8, §19-18-9, §19-18-10, §19-18-11 and §19-18-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-18-1, §19-18-2 and §19-18-3 of said code, all relating to providing a general livestock trespass law; prohibiting livestock from trespassing; clarifying damages that may be recovered; permitting containment of livestock; requiring owner of trespassing livestock be notified; requiring containment costs be negotiated; permitting containment costs to be recovered in court; permitting the sheriff to take possession of unclaimed livestock; permitting unclaimed livestock be sold at auction; setting forth how the proceeds of a livestock sale shall be distributed; and establishing misdemeanor penalties"; which was referred to the Committee on Agriculture then the Judiciary.

A message from the Senate, by

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

S. B. 194 - "A Bill to repeal §9-2-9b of the Code of West Virginia, 1931, as amended, relating to contract procedures for the Medicaid program; and eliminating Department of Health and Human Resources' exemption for contracts for the Medicaid program from 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, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

S. B. 214 - "A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating generally to requirements of applicants for a license to practice medicine and surgery or podiatry; eliminating the need for personal interview with the Board of Medicine

in certain circumstances; and clarifying that a personal interview by the Board of Medicine of all applicants is not required"; 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. 335 - "A Bill to amend and reenact §16-2D-4 of the Code of West Virginia, 1931, as amended, relating to permitting certain hospitals to request an exemption from certificates of need for health care facilities in specific instances"; which was referred to the Committee on Health and Human Resources then 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

S. B. 338 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating to the liability of a possessor of real property for harm to a trespasser"; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

Delegates Hartman and Campbell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 57 - "Requesting that bridge number 42-219-1.59 on U. S. Route 219 across theTygart River at Elkwater, Randolph County, West Virginia, be named the 'Fire Chief Lyle Ware Memorial Bridge'."

WHEREAS, Lyle Ware was born June 24, 1924, at Valley Head, West Virginia, the son of Wilson Lyle Ware and Ada Snyder Ware; and

WHEREAS, Lyle Ware married Mary Dott Reed May 19, 1943. The couple raised two sons, Roger Ware and Fred Lyle Ware, Jr., and are survived by several generations of relatives living in West Virginia; and

WHEREAS, Lyle Ware attended schools of Valley Head, West Virginia and graduated from Tygarts Valley High School in 1942; and

WHEREAS, Lyle Ware was in the United States Navy during World War II and was a member of a clean up team in Hawaii, following the Japanese attack on Pearl Harbour; and

WHEREAS, Lyle Ware worked thirty years as a coal miner for Island Creek Coal Company at Bayard, WV, owned and operated a business, the Gormania Trading Post, for fifteen years and was a member of the Mount Storm Lions Club; and

WHEREAS, Lyle Ware was one of seven men who established the Valley Head Volunteer Fire Department, and served as fire chief of the department for forty-seven years; and

WHEREAS, While serving as fire chief, Lyle Ware was instrumental in providing ambulance service to his community for thirty years, the purchasing of five new fire trucks, obtaining the "jaws of life" equipment, building a new fire station, and many other projects; and

WHEREAS, Concerned about providing needed water for his area, Fire Chief Lyle Ware, along with other members of the Valley Head Volunteer Fire Department, partnered with the U. S. Department of Agriculture to install four fire hydrants in the fire district. Chief Ware also worked with the Upper Tygart Valley River Water Shed organization to provide southern Randolph County residents much needed safe potable water and increased fire protection through establishment of the Elkwater Dam; and

WHEREAS, Fire Chief Lyle Ware was awarded Randolph County Fireman of the Year in 1989 and was presented the Distinguished Mountaineer award in 2006 by Governor Manchin; and

WHEREAS, Fire Chief Lyle Ware served as president of the Randolph County Fire Association and belonged to the West Virginia Fire Chiefs' Association and the West Virginia Firemen's Association; and

WHEREAS, The Legislature finds it is fitting to recognize and honor the outstanding public service of Lyle Ware; therefore, be it

Resolved by the Legislature of West Virginia:

That bridge number 42-219-1.59 on U. S. Route 219 across the Tygart River at Elkwater, Randolph County, West Virginia, be named the "Fire Chief Lyle Ware Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Fire Chief Lyle Ware Memorial Bridge"; and, be it

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

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

H. C. R. 58 - "Requesting the Division of Highways to name the bridge located at Sauls Run Rte. 119\21, Lewis County, specifically bridge number 21-119\21-1.77, the 'Marine Lance Corporal Michael Steven Garrett Memorial Bridge'."

WHEREAS, Michael Steven Garrett was born on October 25, 1948 in Weston, West Virginia to Jack Walder Garrett and Lucille Irene

Garrett. He attended Weston High School. He joined the United States Marine Corps on March 29, 1968. His unit was the CAP 1-1-6, CAO 1-1 1st CAG, COMBINED ACTION, III MAF. He began a tour of duty in Vietnam on September 12, 1968. He was shot on March 3, 1969, in Quang Tin Province, South Vietnam while on patrol and died on March 4, 1969 at the 95th Evacuation Hospital Danang. He was buried in the Masonic Cemetery in Weston, West Virginia alongside his parents. He was survived by his siblings, Donnie Garrett of Weston, Jackie Garrett of Buchannon, Frances Saunders of Weston, Sharon Powell of Buchannon and Randy Harris of Amarillo, Texas; and

WHEREAS, Lance Corporal Michael Steven Garrett made the supreme sacrifice for his country and state; and

WHEREAS, It is fitting to honor Michael Steven Garrett by naming the bridge located at Sauls Run Rte. 119\21, Lewis County, specifically bridge number 21-119\21-1.77, the "Marine Lance Corporal Michael Steven Garrett Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge located at Sauls Run Rte. 119\21, Lewis County, specifically bridge number 21-119\21-1.77, the "Marine Lance Corporal Michael Steven Garrett Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Marine Lance Corporal Michael Steven Garrett Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation; and to the surviving family and relatives of Marine Lance Corporal Michael Steven Garrett.

Mr. Speaker, Mr. Thompson, and Delegates Anderson, Armstead, Ashley, Barill, Boggs, Caputo, Cowles, Diserio, Eldridge, Ellem, Ellington, Espinosa, D. Evans, Ferns, Ferro, Gearheart, Hamilton, Hamrick, Hartman, Howell, Jones, Lane, Marcum, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Pasdon, Perdue, Perry, Pethtel, R. Phillips, Raines, Shott, Skaff, Sobonya, Stowers, Sumner, Swartzmiller, Tomblin, Walker, White and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 18 - "Calling upon the United States Congress to preserve the United State's Constitutional Second Amendment Rights of our citizens and to address the greatest cause of acts of mass violence, mental illness."

WHEREAS, Our nation has recently suffered from various acts of mass murder, most notably the tragedy of December 14, 2012 at Sandy Hook Elementary School; and,

WHEREAS, Law-abiding citizens are not an issue; and

WHEREAS, Millions of Americans own firearms and do so safely, responsibly and legally; and

WHEREAS, Law-abiding citizens should not be punished for the crimes of evil people; and

WHEREAS, The investigative research of these tragic events most often leads us to the underlying cause being linked to mental illness and not law abiding gun ownership; and

WHEREAS, The real issue, the real threat, is dangerous criminals and the seriously mentally ill who need supervision and treatment; and

WHEREAS, Violent behavior by individuals suffering from various forms of mental illness is the true issue that warrants the focus of our nation's President and Congress; and

WHEREAS, West Virginia is a state that strongly supports the Second Amendment rights of the United State's Constitution and the rights found in Article Three, Section Twenty-two of its own Constitution, and believes that all efforts should be undertaken to preserve such rights to the fullest.

Resolved by the House of Delegates:

That the West Virginia House of Delegates conveys to the Congress of the United States that it supports efforts to preserve and protect our freedoms especially preserving the Second Amendment rights of all law abiding Americans; and, be it

Further Resolved, That the West Virginia House of Delegates urges the United States Congress to focus on strengthening the areas of mental health diagnosis and treatment; and

Further Resolved, That the West Virginia House of Delegates requests that the West Virginia Congressional Delegation support actions that preserve Second Amendment Rights and efforts to address mental health diagnosis and treatment in the hope that our nation will never again experience these senseless acts of mass murder, and, be it

Further Resolved, That the Clerk of the West Virginia House of Delegates deliver a copy of this resolution to the Vice President of the United States and the President pro tempore of the United States Senate, to the Speaker of the House of Representatives, to the Majority and Minority Leaders of both Houses of Congress, and each United States Senator and Member of the House of Representatives from West Virginia.

BILLS INTRODUCED

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

By Delegate Storch:

H. B. 2834 – "A Bill to amend and reenact §60-6-7 of the Code of West Virginia, 1931, as amended, relating to state control of alcoholic liquors; miscellaneous provisions; and exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events"; to the Committee on the Judiciary then Finance.

By Delegate Overington:

H. B. 2835 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1 and §16-45-2, all relating to federal health care legislation; invalidity of federal health care legislation in this state; violations and criminal penalties; and providing a private right of action"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Boggs, White, Lane and Ellem:

H. B. 2836 – "A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended, relating to the Commission on Special Investigations generally; granting certain commission personnel the right to carry firearms in the course of their employment"; to the Committee on the Judiciary.

By Delegates Boggs, White, Reynolds, Hunt, Guthrie, Perdue, Pethtel, Williams, Manypenny, R. Phillips and Skaff

[By Request of the Treasury Department]:

H. B. 2837 – "A Bill to repeal §12-1-12c of the Code of West Virginia, 1931, as amended; to repeal §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code; to repeal §48-2-604 of said code; to amend and reenact §5-10B-3 of said code; to amend said code by adding thereto a new section, designated §5-10B-14; to amend and reenact §12-1-3, §12-1-8, §12-1-11 and §12-1-12b of said code; to amend and reenact §12-2-2 and §12-2-3 of said code; to amend and reenact §12-3-1 of said code; to amend and reenact §12-3A-3 of said code; to amend and reenact §12-5-4 of said code; to amend and reenact

§12-6A-1, §12-6A-2, §12-6A-3, §12-6A-4 and §12-6A-5, §12-6A-6 and §12-6A-7 of said code; to amend and reenact §12-6C-7 and §12-6C-9 of said code; to amend and reenact §18-30-8 and §18-30-11 of said code; to amend and reenact §33-3-14d; and to amend and reenact §36-8-13 of said code, all relating to the State Treasurer's office; authorizing organizations exempt from taxation within West Virginia to participate in the deferred compensation plan in accordance with the Internal Revenue Code; authorizing Roth accounts within the deferred compensation plan in accordance with the Internal Revenue Code; authorizing financial institutions to offer products in addition to certificates of deposit; updating references to investing authorities to include the Board of Treasury Investments; raising the amount of eligible deposits from $100,000 to the amount insured by a federal agency; deleting archaic language pertaining to eligible depositories; amending language pertaining to what constitutes a conflict of interest for applicants and employees of the Treasurer's office in connection with financial institutions by prohibiting those persons with a defined conflict from participating in the selection of or in contract negotiations with a depository; authorizing depositories to submit reports in an electronic format; repealing duplicate §12-1-12c; clarifying that payments under the CMIA are interest payments; changing the CMIA report from a quarterly report to an annual report since the calculation is only prepared annually; changing the requirement that deposits are required within twenty-four hours to one business day; establishing standards for receipting of moneys, including reviewing of internal controls by auditors and the Treasurer and ensuring copies of audits are submitted to the Legislative Auditor; ensuring confidential information in internal control procedures is redacted before release; clarifying the definitions of federal, special and general revenue funds; eliminating reference to the chief inspector of public offices, which position has not existed for many years; changing the report to the Legislative Auditor for accounts outside the treasury from quarterly to an annual report; clarifying that investments are managed by the Board of Treasury Investments in addition to the Investment Management Board; conforming language pertaining to

determining the amount of federal funds in stale state checks to the capabilities of the Enterprise Resource Planning System; clarifying that the Treasurer determines the competitive bidding of banking, investment and related goods and services required for treasury operations; authorizing the Treasurer to develop procedures for storing, retaining and disposing of records for his or her office; ensuring the Director of the Division of Archives and History receives records with historical value; clarifying that the Treasurer is responsible for earnings received on securities, not just interest; repealing §12-6B-1 *et seq.*; consolidating the debt capacity division into the debt management division; amending legislative findings to acknowledge the importance of monitoring the debt of the state and its spending units; continuing division of debt management as the central information source for debt issued by the state and its spending units; expanding the definition of debt to include debentures, lease purchases, mortgages, securitizations and other types of obligations with specific amounts owed and payable on demand or on determinable dates; defining debt impact report, moral obligation bond, net tax supported debt and tax supported debt; amending definition of spending unit; eliminating requirement for developing a long-term debt plan; clarifying the division is responsible for continuously evaluating debt and debt service requirements and reviewing all proposed debt offerings of the state and its spending units; clarifying the division is to issue a debt impact report if requested by the Governor, Senate President or House of Delegates Speaker and that the report shall not restrict the Governor, Legislature or spending unit; requiring the division to monitor continuing disclosure requirements and post-issuance compliance issues; eliminating requirement that the debt management division provide staff for the debt capacity division; clarifying the reporting requirements of the division and the spending units; requiring the division to prepare and issue the debt capacity report; clarifying the Treasurer promulgates the rules; altering the bond required for the Board of Treasury Investments from $50 million to at least $10 million, as set by the board; updating language pertaining to rating agencies to nationally recognized statistical rating organizations;

permitting investment in corporate debt in investment grade securities and in money market and other fixed income funds; authorizing the board to make loans specified by the Legislature and to offer an equipment and software financing program for state government entities; removing requirement that direct or guaranteed obligations of the United States constitute at least fifteen percent of the consolidated fund; providing that securities falling out of compliance with the Code do not have to be sold if the investment manager and investment consultant recommend retention; authorizing moneys in the College Prepaid Tuition and Savings Program Administrative Account be used to provide matching grants and scholarships for the program; clarifying the value of a prepaid tuition or savings plan account is not considered for purposes of determining eligibility for income-based governmental financial assistance unless required by federal law; satisfying amounts due to and from policemen's and firemen's pension and relief funds and the Teachers Retirement System; authorizing expenses related to operations and programs of the office of the Treasurer from the Unclaimed Property Fund; authorizing transfer of moneys from the Unclaimed Property Trust Fund for payment to policemen's and firemen's pension and relief funds; repealing §48-2-604 which duplicates the fee for marriage licenses; and making various technical clean up revisions"; to the Committee on Pensions and Retirement then Finance.

By Delegates Fragale, Guthrie, Manypenny, Ferns, Skaff, R. Phillips, Raines, Barrett and Sponaugle:

H. B. 2838 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to protecting dogs by creating regulations for commercial dog breeding operations; providing definitions; providing exceptions; allowing commercial breeders to sell dogs only as household pets; requiring a business license if required by the locality; authorizing county commissions to charge a fee to a commercial dog breeder to obtain an annual permit to operate; limiting the amount of the fee which may be charged; providing for the responsibilities of the

commercial dog breeder; setting forth the requirements for maintaining adequate housing facilities and primary enclosures; providing for inspections by animal control officers or law-enforcement officers; prohibiting a commercial dog breeder to operate if convicted of animal cruelty; providing for no exemption from these provisions for a facility licensed by the United States Department of Agriculture; and providing criminal penalties"; to the Committee on Agriculture then the Judiciary.

By Delegates Storch, McCuskey, E. Nelson, Andes, Craig, Pasdon, Raines, Skaff and White:

H. B. 2839 – "A Bill to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to payment of employees separated from payroll before paydays; making stylistic changes; and providing that employees who provide one pay period's notice of intention to end his or her employment be paid within the next payroll cycle"; to the Committee on the Judiciary then Finance.

By Delegates Armstead, Raines, McCuskey, Walters and Lane:

H. B. 2840 – "A Bill to amend and reenact §11-1C-4 and §11-1C-9 the Code of West Virginia, 1931, as amended; and to amend and reenact §11-3-2a and §11-3-24 of said code; and to amend said code by adding thereto a new section, designated §11-3-24c, all relating to valuation and assessment of property for ad valorem property taxation; allowing a real property owner to submit an independent appraisal of the property to the assessor; providing for notice to an owner of an increase in the assessed value that is greater than sixty percent of the value determined by an independent appraisal; objections by property owners to an increase in the assessed value before the board of equalization and review; providing that the assessor bear the burden of proof to show that the value of the independent appraisal is incorrect; assessment of property when the independent appraisal thereof is found to be correct; burden of proof in challenges to appraisals and assessments; legislative findings; establishing the burden and degree of proof necessary to challenge an assessment or appraisal of property"; to the Committee on the Judiciary then Finance.

By Delegates Overington, Lane, D. Evans, R. Smith, Armstead, Arvon, Gearheart, Butler, Householder, Sobonya and Cadle:

H. B. 2841 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-1a, relating to federal health care legislation and a prohibition against the federal government from requiring state agencies to enforce its provisions"; to the Committee on Health and Human Resources then Finance.

By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling [By Request of the State Auditor's Office]:

H. B. 2842 – "A Bill to amend and reenact §36-9-3 and §36-9-23 of the Code of West Virginia, 1931, as amended, all relating to clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums; and granting the Division of Land Sales and Condominiums the authority to seek additional relief in circuit courts"; to the Committee on the Judiciary.

By Delegates Armstead, Butler, Folk, Cadle, Westfall, Hamrick, McCuskey, Hamilton, Raines, Ambler and Andes:

H. B. 2843 – "A Bill to repeal §55-7-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §55-7-13a, §55-7-13b and §55-7-13c, all relating to comparative fault; abolishing joint liability; providing that damages be allocated to any defendant held liable in direct proportion to that defendant's percentage of fault; and providing for method of assessing fault of the parties"; to the Committee on the Judiciary.

By Delegates Armstead, Espinosa, Cadle, D. Evans, R. Smith, Ashley, Anderson, Arvon, Raines, Storch and E. Nelson:

H. B. 2844 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to

creating the Jobs Impact Statement Act; requiring a jobs impact statement for certain proposed legislation; the contents of the statement; and providing that the West Virginia Development Office prepare a jobs impact statement when requested by the Governor or leader of either House of the Legislature"; to the Committee on the Judiciary then Finance.

By Delegates Armstead, Cowles, Faircloth, Rowan, Howell, Frich, Ellem, Anderson, Border, Hamilton and Cooper:

H. B. 2845 – "A Bill to amend and reenact §6-5-5 of the Code of West Virginia, 1931, as amended, relating to matters affecting the right to hold office; and the disqualification of persons convicted of treason, felony or bribery from holding public office"; to the Committee on the Judiciary.

By Delegates Canterbury, Walters, Ambler and Ashley:

H. B. 2846 – "A Bill to amend and reenact §12-6-12 of the Code of West Virginia, 1931, as amended, relating to removing investment restrictions on foreign securities"; to the Committee on Finance.

By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling [By Request of the State Auditor's Office]:

H. B. 2847 – "A Bill to amend and reenact §11A-1-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11A-1-7a, all relating to the collection of delinquent real property and personal property taxes by county sheriffs"; to the Committee on the Judiciary then Finance.

By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling [By Request of the State Auditor's Office]:

H. B. 2848 – "A Bill to amend and reenact §11A-3-18, §11A-3-27, and §11A-3-28 of the Code of the West Virginia, 1931, as amended, all relating generally to the sale of tax liens and nonentered, escheated and waste and unappropriated lands; providing the process for requesting a refund after forfeiture of rights to a tax deed; clarifying deadlines for

receipt of tax deeds and refunds related to failure to meet deadlines; providing procedure for petitioning to compel execution of a deed by the State Auditor; removing the provisions allowing judgment against the State Auditor for costs in the case of failure or refusal to execute a deed without reasonable cause"; to the Committee on the Judiciary then Finance.

By Delegates Boggs, Swartzmiller, Ferro, Caputo and D. Poling [By Request of the State Auditor's Office]:

H. B. 2849 – "A Bill to amend and reenact §6-9-7 and §6-9-9a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6-9-9b, all relating to audits and investigations by the chief inspector of public offices; clarifying that the chief inspector may also investigate, in addition to examine, the financial affairs of local governmental offices or political subdivisions and boards, commissions, authorities, agencies and other entities; clarifying that the chief inspector may also initiate civil and criminal actions if an investigation discloses misfeasance, malfeasance or nonfeasance; providing for confidentiality of reports and working papers of the chief inspector division; and defining a term"; to the Committee on Government Organization then the Judiciary.

By Delegates Boggs, Moore, Hamilton and Azinger:

H. B. 2850 – "A Bill to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended, relating to preventing the cancellation and nonrenewal of property homeowners insurance based upon a claim arising from natural causes or upon an inquiry that does not result in a claim"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Boggs, Ashley, D. Poling, Caputo and Swartzmiller

[By Request of the State Auditor's Office]:

H. B. 2851 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9-8a,

relating to establishing a one time audit cost amnesty program for local governments with delinquent audit costs"; to the Committee on Political Subdivisions then Finance.

By Delegate Hunt:

H. B. 2852 – "A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Human Rights Act; defining an employer for purposes of the act as employing one or more person(s)"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Hunt:

H. B. 2853 – "A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to increase the amount of certain exemptions of property in bankruptcy proceedings"; to the Committee on the Judiciary.

By Delegate Hunt:

H. B. 2854 – "A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to reentry into the Public Employees Retirement System by members of the Legislature; providing for each election or reelection to the Legislature to begin a new time period in which forfeited service credit may be restored"; to the Committee on Pensions and Retirement then Finance.

By Delegate Ferro:

H. B. 2855 – "A Bill to amend and reenact §20-2-5 and §20-2-5g of the Code of West Virginia, 1931, as amended, all relating to permitting persons sixty years of age and older to hunt deer with a crossbow instead of a traditional bow during any archery season in which deer hunting is permitted"; to the Committee on Natural Resources then the Judiciary.

HOUSE CALENDAR

THIRD READING

Com. Sub. for H. B. 2585, Increasing the time to file a petition in response to notice of an increased assessment; 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. 14)**, 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2585) passed.

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

FIRST READING

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

Com. Sub. for H. B. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license,

Com. Sub. for H. B. 2450, Granting licensed real estate appraisers access to commercial or residential review documents,

Com. Sub. for H. B. 2579, Revising state water quality standard for Selenium,

And,

Com. Sub. for H. B. 2764, Relating to compulsory school attendance.

LEAVES OF ABSENCE

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

REMARKS BY MEMBERS

Delegates Armstead and Raines addressed the House regarding valuation and assessment of property for ad valorem property taxation, and at the conclusion thereof, Delegate Andes asked and obtained unanimous consent that said remarks be printed in the Appendix to the Journal.

At 11:41 A.M., the House of Delegates adjourned until 11:00 A.M., Thursday, March 7, 2013.

THURSDAY, MARCH 7, 2013

TWENTY-THIRD DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 6, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates Paxton, Poore, P. Smith, Skaff, Young, Eldridge, Fleischauer, Lynch, Sponaugle and Hartman offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 59 - "Requesting the Division of Highways name bridge number 40-62-20.63 in Buffalo, Putnam County, West Virginia, the 'Corporal Gerry Glen Simpson Memorial Bridge, United States Army'."

WHEREAS, Gerry Glen Simpson was born on September 17, 1947, in Buffalo, Putnam County, West Virginia; and

WHEREAS, Gerry Glen Simpson enlisted in the United States Army in 1967, and was deployed to Vietnam that same year; and

WHEREAS, Gerry Glen Simpson was viewed by his commanders as a leader and, within a short time period, became a corporal and leader of soldiers; and

WHEREAS, Corporal Simpson was killed in action on November 23, 1967, dying from multiple fragmentation wounds in Dinh Tuong, Vietnam; and

WHEREAS, Corporal Gerry Glen Simpson was awarded several medals and honors for his valor, leadership and courage including the Purple Heart Medal, the National Defense Service Medal, the Vietnam Service Medal with device, the Vietnam Campaign Medal and the Vietnam Gallantry Cross; and

WHEREAS, On that fateful day in November 1967, Corporal Simpson gave his young life and his last full measure of devotion to his country and to his comrades-in-arms; and

WHEREAS, It is only fitting and proper that a bridge be named in his honor and that it henceforth stand as a permanent memorial so that Corporal Gerry Glen Simpson's supreme sacrifice for our nation will not be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the bridge number 40-62-20.63 in Buffalo, Putnam County, West Virginia, the "Corporal Gerry Glen Simpson Memorial Bridge, United States Army"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Corporal Gerry Glen Simpson Memorial Bridge, United States Army"; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Secretary of the Department of Transportation, to the Mayor of Buffalo and to Corporal Gerry Glen Simpson's family: brother Eldie D. Simpson; sisters Geneva Persinger, Janice Mitchell and Faye Fearls; and, daughter, Sheila Hammond.

Mr. Speaker, Mr. Thompson, and Delegates Marcum, White, R. Phillips, Moore, Perdue, Householder, Stowers, Tomblin, Barill and Boggs offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 60 - "Requesting the Division of Highways to bridge number 30-49-0.01 on Route 49 in Mingo County, the 'William S. (Bill) Croaff Memorial Bridge'."

WHEREAS, Mr. Croaff was born in Pikeville, Kentucky; and

WHEREAS, Mr. Croaff enlisted in the United States Army on April 25, 1919 in Columbus, Ohio; and

WHEREAS, Mr. Croaff was honorably discharged on April 25, 1922, after serving in the A. F. & G. from June 3, 1919 to October 25, 1921, 7th Div. T. A. A. E. F.; and

WHEREAS, Mr. Croaff was married to Ocie Croaff and raised eight children, William "Billy" Croaff, Jr., Virginia Hall, Myrtle Croaff, Ruth Murphy, Nell Hayes, Joyce Ratliff, Larry Croaff and Howard Eddie Croaff; and

WHEREAS, Mr. Croaff lived in Edgarton before passing away; and

WHEREAS, It is fitting to honor William S. (Bill) Croaff for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-49-0.01 on Route 49 in Mingo County, the "William S. (Bill) Croaff 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 "William S. (Bill) Croaff Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and the family of William S. (Bill) Croaff.

Delegates Kump, Ambler, Arvon, Andes, Armstead, Ashley, Butler, Cadle, Canterbury, Cooper, Ellem, D. Evans, Faircloth, Folk, Frich, Gearheart, Hamilton, Hamrick, Householder, Howell, Manypenny, McCuskey, Miller, J. Nelson, Overington, Pasdon, Romine, Rowan, Shott, R. Smith, Sobonya, Storch and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 61 - "Requesting the Joint Committee on Government and Finance study the economic and personal liberty impact of federal laws and regulations upon the sovereign rights of the State of West Virginia and our citizens."

WHEREAS, The Legislature desires to provide the citizens of this state their rights as guaranteed by the Tenth Amendment to the United States Constitution; and

WHEREAS, A need exists to analyze the benefits and costs associated with the mandates of various federal laws and regulations; and

WHEREAS, The Legislature needs to examine the effect of these laws and regulations; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the economic and personal liberty impact of federal laws and regulations in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 D. Poling, Azinger, Ellem, Ambler, Armstead, Ashley, Canterbury, Caputo, Cowles, Craig, Diserio, Eldridge, Ellington, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Guthrie, Hamilton, Hunt, Jones, Lane, Marcum, Marshall, Miley, Moore, Morgan, E. Nelson, Pasdon, Perdue, R. Phillips, Poore, Reynolds, Romine, P. Smith, R. Smith, Stephens, Stowers, Tomblin, Walters, Wells and White offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 62 - "Requesting the Division of Highways to name the bridge currently known as DuPont Road Bridge on West Virginia Route 68, over US Route 50, bridge number 54-68-14.60, the 'Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge'."

WHEREAS, Nicholas Heath Null was born on March 30, 1981 to Tim Null and Tracy Kendall Litman in Washington, Wood County, West Virginia; and

WHEREAS, Nicholas Heath Null was a member of the Parkersburg South High School football and basketball teams, and graduated from Parkersburg South High School in 1999; and

WHEREAS, Nicholas Heath Null enlisted in the United States Navy in September 2000 and through his distinguished service achieved the rank of Chief Petty Officer, serving as an Explosives Ordnance Disposal Technician in the US Navy Seal Naval Special Warfare Development Group; and

WHEREAS, Nicholas Heath Null graduated from recruit training command in Great Lakes, Illinois in December 2000; completed service school training in Great Lakes; reported to Explosive Ordnance Disposal Unit 6 in Panama City, Florida in May 2001, then to Explosive Ordnance Disposal Mobile Unit 2 in Virginia Beach, Virginia, then to Explosive Ordnance Disposal Mobile Unit 12; returned to Explosive Ordnance Disposal Mobile Unit 2 in July 2007; and in January 2009 he reported to the East Coast based Seal Team; and

WHEREAS, Chief Petty Officer Nicholas Heath Null died During Operation Enduring Freedom on August 6, 2011, along with 29 other US soldiers, from injuries sustained in a CH-47 Chinook helicopter crash after taking fire in Wardak Province, Afghanistan; and

WHEREAS, Chief Petty Officer Nicholas Heath Null, through his dedicated service and sacrifice, was awarded two Bronze Star Medals, one with Valor; two Navy and Marine Corps Commendation Medals with Valor; three Navy and Marine Corp Achievement Medals, one with Valor; the Armed Forces Expeditionary Medal; the Afghanistan Campaign Medal; two Iraq Campaign Medals; the Global War on Terrorism Expeditionary Medal; the Global War on Terrorism Service Medal; four Sea Service Deployment Ribbons; the Rifle Marksmanship Medal; the Pistol Marksmanship Medal; the Bronze Star Medal with Valor; and the Purple Heart; and

WHEREAS, Chief Petty Officer Nicholas Heath Null is survived by his wife, Tanya Null; his three sons, Hunter, Bret and Chase Null; his father, Tim Null; his stepmother, Kris Null; his mother, Tracy Kendall Litman; his stepfather, Alan Litman; his brother, Brandon Null; and his sister, Ashley Sanders, and her husband Adam; and

WHEREAS, It is fitting and proper that Chief Petty Officer Nicholas Heath Null be remembered and acknowledged for his courageous service and supreme sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge currently known as DuPont Road Bridge on West Virginia Route 68, over US Route 50, bridge number 54-68-14.60, the "Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and placed signs identifying the bridge as the "Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the family of Chief Petty Officer Nicholas Null.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Armstead, Espinosa, Rowan, Westfall, Frich, Hamrick, Ambler, Shott, Cooper and J. Nelson:

H. J. R. 31 – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article ten thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of

the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

Delegates Lawrence, Barrett, Border, Canterbury, Cooper, Diserio, Eldridge, Ferns, Fleischauer, Frich, Hamilton, Hunt, Jones, Manypenny, Marshall, McCuskey, Paxton, L. Phillips, R. Phillips, Poore, Raines, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Stephens, Storch, Tomblin, Westfall, Williams and Young offered the following resolution, which was read by the Clerk as follows:

H. R. 19 - "Designating March 7, 2013 as 'Child Advocacy Center Day'."

WHEREAS, One in four girls and one in six boys will be sexually abused by the age of eighteen; and

WHEREAS, Child Advocacy Centers in the Mountain State work to assist alleged victims of child abuse and their families; and

WHEREAS, Child Advocacy Centers provide a neutral, child-friendly environment to help children feel psychologically and physically safe to disclose if they are being abused; and

WHEREAS, Child Advocacy Centers work with local teams of child abuse professionals, including prosecutors, Child Protective Services, law enforcement, medical and mental health care providers, and victims' advocates to coordinate child abuse investigations and interventions; and

WHEREAS, Child Advocacy Centers connect victims of child abuse with evidence-supported interventions that help them on their road to healing; and

WHEREAS, Child Advocacy Centers officially serve thirty-two counties in West Virginia and provide courtesy services to every county in the state; and

WHEREAS, Child Advocacy Centers work with local communities to educate individuals about preventing, identifying and reporting child abuse, so they can be "One With Courage"; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates March 7, 2013, as "Child Advocacy Center Day"; and, be it

Further Resolved, That the House of Delegates invites all members of the West Virginia Legislature and all citizens of West Virginia to join in recognizing the value and importance of Child Advocacy Centers in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the West Virginia Child Advocacy Network.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 19) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 24, The "Rex Lane Mullins Memorial Bridge",

H. C. R. 26, The "Army Corporal Richard D. McGhee Memorial Triangle",

H. C. R. 31, The "WWII 78th Lightning Division Road",

H. C. R. 33, The "201st Artillery Drive",

H. C. R. 39, The "PFC Harry Sine, Jr. Memorial Bridge",

S. C. R. 3, Requesting DOH name bridge in Boone County "Army Sergeant Junior Elwood Dunlap Memorial Bridge",

S. C. R. 4, Requesting DOH name bridge in Boone County "James 'Eddie' Mooney Memorial Bridge",

And,

S. C. R. 6, Requesting DOH name bridge in Wayne County "Wayne County Veterans Memorial Bridge",

And reports the same back with the recommendation that they each be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

S. C. R. 5, Requesting DOH name bridge in Wetzel County "Army Sgt. Norman R. Cunningham Memorial Bridge",

And reports the same back, with amendment, with the recommendation that it be adopted, as amended.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 5, The "Edward I. Eiland Bridge",

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

Com. Sub. for H. C. R. 5 - "Requesting the Division of Highways to rename the Middleburg Bridge over the Guyandotte River, near the Middleburg settlement, Logan County, bridge number 23-10/73-0.01, the 'USMC First Class Lieutenant Edward I. Eiland Bridge',"

H. C. R. 9, The "Garry Lee Burgess Memorial Bridge",

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

Com. Sub. for H. C. R. 9 – "Requesting that bridge number 42-46-1.54 on County Route 46 between Czar and Helvetia, Randolph County, West Virginia, be named the 'Army Specialist 4th Class Garry Lee Burgess Memorial Bridge',"

H. C. R. 15, The "Curtis Emmet Lowe Bridge",

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

Com. Sub. for H. C. R. 15 – "Requesting the Division of Highways to name the bridge on Route 119, in Chapmanville, Logan County, at Garrett Fork, bridge number 23-7-0.33, as the 'Navy Chief Boatswain's Mate Curtis Emmet Lowe Bridge',"

And,

H. C. R. 54, The "Sergeant First Class Thomas Clyde Farley Memorial Bridge",

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

Com. Sub. for H. C. R. 54 – "Requesting the Division of Highways to name the bridge located at Chapmanville, Logan County, West Virginia, specifically bridge number 23-3.015 the 'Army Sergeant First Class Thomas Clyde Farley Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted.

Delegate Craig, Chair of the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration:

H. B. 2630, Division of Natural Resources, relating to special boating,

H. B. 2631, Division of Natural Resources, defining the terms used in all hunting and trapping rules,

H. B. 2633, Division of Natural Resources, general trapping,

H. B. 2634, Division of Natural Resources, special waterfowl hunting,

And,

H. B. 2685, Division of Natural Resources, special motorboating,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2630, H. B. 2631, H. B. 2633, H. B. 2634 and H. B. 2685) were each referred to the Committee on the Judiciary.

Delegate Craig, Chair of the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration:

H. B. 2651, Conservation Committee, relating to the operation of the West Virginia State Conservation Committee and conservation districts.

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

In accordance with the former direction of the Speaker, the bill (H. B. 2651) was referred to the Committee on the Judiciary.

Delegate Guthrie, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2674, Insurance Commissioner, provider sponsored networks,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2674) was referred to the Committee on the Judiciary.

Delegate Guthrie, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system,

And,

H. B. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2762 and H. B. 2819) were each referred to the Committee on the Judiciary.

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

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

H. B. 2165, Relating to death certificates of military veterans,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2165) was referred to the Committee on Finance.

Delegate Poling, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2629, Division of Labor, Crane Operator Certification Act - practical examination,

H. B. 2675, Division of Labor, bedding and upholstered furniture,

H. B. 2676, Division of Labor, Amusement Rides and Amusement Attractions Safety Act,

And,

H. B. 2678, Division of Labor, Crane Operator Certification Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2629, H. B. 2675, H. B. 2676 and H. B. 2678) were each referred to the Committee on the Judiciary.

Delegate Poling, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2677, Division of Labor, supervision of elevator mechanics and apprentices,

And,

H. B. 2683, Board of Miners Training, Education and Certification, standards for certification of coal mine electricians,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2677 and H. B. 2683) were each referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2784, Relating to the Deputy Sheriff Retirement System Act,

And,

H. B. 2822, Holding liable any participating public employer owing delinquent retirement contributions,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2784 and H. B. 2822) were each referred to the Committee on Finance.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2472, Increasing the speed limit from 60 mph to 70 mph on a specific section of I-77,

And,

H. B. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2472 and H. B. 2770) were each referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2684, Division of Motor Vehicles, rule relating to the denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals and reinstatement of motor vehicle operating privileges,

And,

H. B. 2772, Permitting motorcyclists and bicyclists to safely proceed through a traffic light if they have waited a minimum of two minutes,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2684 and H. B. 2772) were each referred to the Committee on the Judiciary.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2703, Secretary of State, regulation of political party headquarters financing,

And,

H. B. 2704, Secretary of State, regulation of late voter registration,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2703 and H. B. 2704) were each referred to the Committee on the Judiciary.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2600, Creating resort area districts,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2600) was referred to the Committee on the Judiciary.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2577, Relating to the practice of pharmacist care,

H. B. 2627, Department of Health and Human Resources, Grade "A" pasturized milk,

H. B. 2671, Department of Health and Human Resources, fees for services,

And,

H. B. 2672, Department of Health and Human Resources, reportable diseases, events and conditions,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2577, H. B. 2627, H. B. 2671 and H. B. 2672) were each referred to the Committee on the Judiciary.

Chairman Perdue, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2759, Relating to standards for emergency medical service personnel,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2759) was referred to the Committee on Finance.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2668, Health Care Authority, West Virginia Health Information Network,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2668) was referred to the Committee on the Judiciary.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2756, Reorganizing the Department of Health and Human Resources,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2756) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 101 - "A Bill to amend and reenact §16-5C-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that actions brought for damages for injuries suffered in a

nursing home are subject to the same liability limitations as other medical professional liability"; which was referred to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Delegates Skinner, Morgan, Ferns, Hunt, Sponaugle, Poore, Perdue, Fleischauer, Moore, Marshall and Barrett:

H. B. 2856 – "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation; and defining sexual orientation"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Miley, Manchin, Ferro, Moore and Manypenny [By Request of the Secretary of State's Office]:

H. B. 2857 – "A Bill to amend and reenact §3-10-1, §3-10-2, §3-10-3, §3-10-4, §3-10-4a and §3-10-5 of the Code of West Virginia, 1931, as amended, all relating to vacancies for elected officials; and clarifying how vacancies are to be filled in the offices of Governor, state officials and judges, representatives in the House of Representatives and United States Senate and State Legislature"; to the Committee on the Judiciary then Finance.

By Delegates White, Cowles, Andes, Boggs, R. Phillips, Marcum, Skaff, Craig and Storch:

H. B. 2858 – "A Bill to amend and reenact §24-2-4f of the Code of West Virginia, 1931, as amended, relating generally to consumer rate relief bonds; correcting an internal reference to clarify that the rate adjustment mechanism under subsection (k) is the exception to the

state's pledge not to reduce, alter or impair consumer rate relief charges until all amounts to be paid to an assignee or financing party are paid or performed in full"; to the Committee on Finance.

By Delegates Staggers, L. Phillips, P. Smith, Gearheart, Cowles, D. Poling, Longstreth and Lynch:

H. B. 2859 – "A Bill to amend and reenact §17A-6-10c of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner to issue no more than ten additional special demonstration plates to a new motor vehicle dealer or used motor vehicle dealer engaged in the business of selling trailers, truck-tractors, road-tractors or trucks, who demonstrates the motor vehicles under actual work conditions to potential purchasers upon a showing of need"; to the Committee on Roads and Transportation then Finance.

By Delegates Staggers, Perry, Pino, Stowers, Skaff, R. Phillips and Perdue:

H. B. 2860 – "A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to speed restrictions and penalties; and providing that municipalities receive no more than $25 from speeding fines and costs for speeding violations on four lane controlled access highways or interstate highways located within the limits of a municipality"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Pasdon, M. Poling, Barill, Marshall, Frich and Fleischauer:

H. B. 2861 – "A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to continued enrollment of at-risk student in public school while enrolled in an alternative program that meets certain conditions; making legislative findings on at-risk students, discouraged and defeated learners and purpose for authorizing continued enrollment; authorizing county superintendent to approve continued enrollment; providing conditions under which continued enrollment may be approved; and eliminating required annual report

on cooperation with challenge academy"; to the Committee on Education then Finance.

By Delegates D. Poling, Campbell, Skaff, Diserio and R. Phillips:

H. B. 2862 – "A Bill to amend and reenact §22-3-20 and §22-3-21 of the Code of West Virginia, 1931, as amended, all relating to informal conferences on surface mining permit applications; extending time to hold informal conferences; and extending time from an informal conference in which the secretary must issue or deny a surface-mining permit"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Miley, Manchin, Ferro, Moore and Manypenny [By Request of the Secretary of State's Office]:

H. B. 2863 – "A Bill to amend and reenact §3-2-30 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §59-1-2b, all relating to the preparation and sale of voter registration lists; exempting certain voter data from being provided; permitting voter lists be obtained for noncommercial purposes at a cost of the actual costs of producing the list; setting forth the fees to be charged for the sale of voter registration lists; setting forth the types of lists and services that are available; requiring the net proceeds from the voter registration list sales be deposited in the State Election Fund; and clarifying that the Secretary of State may share voter information with those authorized to receive the information"; to the Committee on the Judiciary then Finance.

By Delegates Skaff, Moore, Poore, Raines, Wells, Stowers, Morgan, Reynolds, Lane, Eldridge and Manypenny:

H. B. 2864 – "A Bill to amend and reenact §18B-18A-1, §18B-18A-2, §18B-18A-3, §18B-18A-9, §18B-18A-11 and §18B-18A-12 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Research Trust Fund; increasing the recipients of the fund to include all state land grant institutions of higher education;

redistribution of moneys; deposit into fund from General Revenue Fund under certain conditions; deadline and consequences for failure to obtain matching funds and donations; legislative rule making; and reporting requirement"; to the Committee on Education then Finance.

By Delegates Miley, Manchin, Ferro, Moore and Manypenny [By Request of the Secretary of State's Office]:

H. B. 2865 – "A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-5, §3-2-6, §3-2-7, §3-2-10, and §3-2-11 of said code, all relating to electronic registration of voters"; to the Committee on the Judiciary.

By Delegates Hamilton, A. Evans, Andes, Ireland, Walker, Moye, Lynch, P. Smith, J. Nelson, Frich and Sponaugle:

H. B. 2866 – "A Bill to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended, relating to providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet of that dwelling house in which the person lives if no other dwelling house is located within five hundred feet of the person shooting; and raising the distance within which a person can discharge a firearm from a school or church from four hundred feet to five hundred feet"; to the Committee on Natural Resources then the Judiciary.

HOUSE CALENDAR

SECOND READING

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

Com. Sub. for H. B. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license,

Com. Sub. for H. B. 2450, Granting licensed real estate appraisers access to commercial or residential review documents,

Com. Sub. for H. B. 2579, Revising state water quality standard for Selenium,

And,

Com. Sub. for H. B. 2764, Relating to compulsory school attendance.

FIRST READING

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

H. B. 2361, Relating to the definition of "eligible veteran" for certain state training and employment preference benefits,

Com. Sub. for H. B. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities,

Com. Sub. for H. B. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations,

And,

Com. Sub. for H. B. 2760, Creating a uniform regulation of firearms, ammunition, and firearm accessories.

At 11:41 A.M., the House of Delegates adjourned until 11:00 A.M., Friday, March 8, 2013.

FRIDAY, MARCH 8, 2013

TWENTY-FOURTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, 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 7, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 22, The "Kerry Albright Road",

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

Com. Sub. for H. C. R. 22 - "Requesting the Division of Highways to name a section of County Route 16, known as the Buffalo Creek Road, running through the unincorporated community of Lorado, Logan County, West Virginia, from the Lorado highway marker on the eastern edge of the community to the Lorado highway marker on the western edge of the community, the 'Kerry Albright Road'."

With the recommendation that the committee substitute be adopted.

Delegate Miley, 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. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2848) was referred to the Committee on Finance.

Delegate Miley, 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. 2397, Authorizing a county commission to temporarily fill vacancies in certain offices,

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

Com. Sub. for H. B. 2397 - "A Bill to amend and reenact §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to authorizing a county commission to temporarily fill vacancies in the offices of the clerk of the county commission, prosecuting attorney, sheriff, assessor and county surveyor; restricting persons appointed as temporary successors to serving no more than sixty days as a temporary successor; and permitting a temporary successor to be appointed to fill the unexpired term,"

H. B. 2414, Conveying property to a nonprofit,

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

Com. Sub. for H. B. 2414 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-18a, relating to the lease or conveyance of municipal property; allowing for the lease or conveyance of municipal property for less than fair market value without auction to a nonprofit corporation for the provision of specific services to the public; prerequisite conditions and findings by municipality; and required reverter of the property to the municipality if the nonprofit corporation ceases to provide the services,"

And,

H. B. 2747, Relating to Open Governmental Proceedings,

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

Com. Sub. for H. B. 2747 - "A Bill to amend and reenact §6-9A-2 and §6-9A-3 of the Code of West Virginia, 1931, as amended, all relating to pubic notice of meetings of governing bodies of public agencies; defining terms; clarifying existing notice requirements; requiring state executive branch agencies to electronically file public meeting notices with the Secretary of State for publication on Secretary of State's website; eliminating the requirement that state executive branch agency meeting notices be filed in the State Register; and providing procedural rule-making authority,"

With the recommendation that the committee substitutes each do pass.

Delegate Morgan, 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. 2497, Requiring applicants for licenses for original brokers, associate brokers or sales persons to agree to finger printing and criminal history record checks,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2497) was referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2647, Athletic Commission, mixed martial arts,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2647) was referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2603, Relating to the Family Protection Services Board,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2603) was referred to the Committee on the Judiciary.

Delegate Miley, 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. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors,

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

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. 139 - "A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to regulation of certain purchases of precious metals and gems generally; requiring purchasers to comply with applicable licensing and permitting requirements; exempting bullion purchases from the provisions of this section; requiring sellers of precious metals and gems to provide photo identification to dealers; defining terms; requiring the purchasers to maintain information on precious metal transactions for three years; and establishing criminal penalties including business debarment"; which was referred to the Committee on the Judiciary.

A message from the Senate, by
The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 435 - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to continuing

the Municipal Home Rule Pilot Program; legislative findings; authorizing Class I, II, III and IV municipalities to participate in the program; clarifying the voting privileges of members of the Municipal Home Rule Board; clarifying the powers and duties of the board; written plan requirements for municipalities; ordinance requirements for municipalities; powers and duties of the participating municipalities; prohibiting certain acts by participating municipalities; amending the written plan; reporting requirements; termination date of the pilot program; and the effect of ordinances passed by the municipalities participating in the pilot program"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 9 - "Requesting the Division of Highways to name the bridge crossing the Little Coal River in Danville, Boone County, bridge number 3-85/8-0.37, the 'Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge'."

WHEREAS, Fred Byrnside and his wife, Dora Jo Byrnside, were both military veterans who served their country proudly; and

WHEREAS, Fred Byrnside had a long and distinguished Naval career, serving active duty from January 1938 until October 1955, and then in the Reserves until 1966. He retired with the rank of Chief Boatswain; and

WHEREAS, Fred Byrnside served in World War II and was captured by the Japanese in 1942. During his captivity, Fred endured unspeakable atrocities and hardships at the hands of the Japanese, including the infamous Bataan Death March in the Philippines. Fred

was held prisoner in the Funatsu prisoner-of-war camp until the war's end in 1945; and

WHEREAS, By the grace of God, Fred Byrnside survived his ordeals, when all at home believed him to have been killed. But when Fred was liberated from that prison camp, he still felt the call to service. When others may have felt they had done enough, or had endured enough on behalf of their country, Fred chose to reenlist and continue serving the county he so loved; and

WHEREAS, Fred Byrnside was proud of his service in the United States Navy, and while he seldom talked about the horrors he endured as a prisoner, he was always ready to relate stories of his other military experiences and what it meant to be a member of the United States Navy; and

WHEREAS, Fred Byrnside was awarded the National Defense Service Medal, Asiatic-Pacific Area Campaign Ribbon, Philippine Defense Service Ribbon with three Bronze Stars, Army Distinguished Unit Badge with One Oak Leaf Cluster, American Defense Service Ribbon, Good Conduct Medal, China Service Ribbon, Victory Ribbon of World War II, Pre-Pearl Harbor Ribbon with one Bronze Star; and Presidential Unit Citation; and

WHEREAS, Dora Jo Chambers graduated from Marshall College in 1941, and joined the United States Army (WAC) in 1943. She served during World War II in the Asiatic-Pacific Campaign and served in New Guinea and the Philippines; and

WHEREAS, During her service in the United States Army, Dora Jo Chambers was promoted to the rank of Captain, which was a notable accomplishment for a young woman at that time; and

WHEREAS, Dora Jo Chambers was awarded the American Campaign Medal, Asiatic-Pacific Campaign Medal, Philippine Liberation and Women's Army Auxiliary Corps Service Medal; and

WHEREAS, Fred Byrnside and Dora Jo Chambers Byrnside were married after Dora Jo's tour of duty ended in 1946, and they returned home to Danville in 1955 when Fred retired from active duty. Fred served as the postmaster at the Danville Post Office, while Dora Jo raised their children and later taught at Scott High School when the children were grown; and

WHEREAS, Fred Lincoln Byrnside passed away on January 3, 1980, and Dora Jo Chambers Byrnside passed away on January 3, 2010. They are survived by their children, Fred Byrnside and wife, Emma, of Danville, Ellajo Thompson of Knoxville, Tennessee, and Lois Byrnside of Dunedin, Florida; five grandchildren and ten great grandchildren; and

WHEREAS, It is only fitting that we so honor Fred and Dora Jo Byrnside for their dedicated and selfless service to their country, and for their contributions to the town of Danville and Boone County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge crossing the Little Coal River in Danville, Boone County, bridge number 3-85/8-0.37, the "Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Naval Chief Boatswain Fred L. Byrnside and Army Captain Dora Jo Chambers Byrnside Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the children of Fred and Dora Jo Byrnside.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 11 - "Requesting the Division of Highways name the section of State Route 214 at Childress Road, from mile marker 8.92 to mile marker 9.92, the 'Army Pvt. Parker Meikle Memorial Road'."

WHEREAS, Parker Meikle was born November 5, 1919, in Alum Creek, Lincoln County, West Virginia, the second of nine children born to Archie Thomas Meikle and Chalcie Lottie Turley Meikle, and is survived by two sisters, three brothers and numerous nieces and nephews; and

WHEREAS, Parker Meikle was raised and educated in the Alum Creek area; and

WHEREAS, Pvt. Parker Meikle entered the United States Army January 26, 1942; and

WHEREAS, Pvt. Parker Meikle, Service Number 35263702, died of wounds he received in World War II December 19, 1944, in Belgium while serving as a combat engineer with Company B 158th Engineer Battalion; and

WHEREAS, The body of Pvt. Parker Meikle was returned to West Virginia for reburial in 1949, with Snodgrass Funeral Home in charge of arrangements; and

WHEREAS, It is proper and fitting that the ultimate sacrifice made by this native son be honored in this manner; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the section of State Route 214 at Childress Road, from mile marker 8.92

to mile marker 9.92, the "Army Pvt. Parker Meikle Memorial Road", and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect a sign at each end of the section of road containing bold and prominent letters proclaiming the section of road the "Army Pvt. Parker Meikle Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of Highways and the family of the late Parker Meikle.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 12 - "Requesting the Division of Highways to name the one-mile section of road on Lick Creek Road, beginning at Route 119, in Boone County, West Virginia, the 'PFC Randall Bruce Miller Memorial Road, U. S. Army'."

WHEREAS, Randall Bruce Miller was born on May 26, 1949, the son of Reldo and Esta Miller of Danville, West Virginia; and

WHEREAS, Randall Bruce Miller graduated from Scott High School in Madison, West Virginia, in 1967; and

WHEREAS, After graduating from high school, Randall Bruce Miller was employed with Key Super Market in Danville, West Virginia; and

WHEREAS, Just a matter of days before beginning his tour in Vietnam, Randall Bruce Miller was married, on September 13, 1969, to Gaytha Berry; and

WHEREAS, On September 29, 1969, Randall Bruce Miller began his tour of duty in Vietnam, an infantryman, in the United States Army; and

WHEREAS, While in Vietnam, Randall Bruce Miller was a member of D Company, 1st Battalion, 8th Cavalry and stationed at Phuoc Long Province in South Vietnam; and

WHEREAS, While on a protective reaction mission in Phuoc Long Province on December 8, 1969, Company D came under heavy fire from a well-entrenched force; and

WHEREAS, On December 8, 1969, when a mere twenty years old, Private First Class Randall Bruce Miller was killed in action while courageously attempting to drive back the enemy force, dying immediately from hostile fire; and

WHEREAS, It is only fitting and proper that this stretch of road, in the county of his birth and the area in which he lived all his young life, be named in his honor so the Private First Class Randall Bruce Miller's supreme sacrifice will be memorialized and not forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the one-mile stretch of road on Lick Creek Road in Boone County, West Virginia, beginning at Route 119, the "PFC Randall Bruce Miller Memorial Road, U. S. Army"; and, be it

Further Resolved, That the Division of Highways is hereby requested to cause to have made two signs that state, in bold and prominent lettering, the "PFC Randall Bruce Miller Memorial Road, U. S. Army" and to erect these signs on either side of the one-mile stretch of road; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the family of PFC Randall Bruce Miller.

RESOLUTIONS INTRODUCED

Delegates Cadle and Butler offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 63 - "Requesting the Division of Highways to name bridge number 27-62-20.53 on Route 62 in Point Pleasant, Mason County, the 'US Army SFC James Edward Duncan Memorial Bridge'."

WHEREAS, SFC James Edward Duncan was born on July 11, 1940, a son of the late Dale and Delphia Duncan of Point Pleasant, Mason County, West Virginia, and a brother to Dale, Dickie, Jack, Don, Rex, Kathy and Linda; and

WHEREAS, SFC James Edward Duncan attended Point Pleasant High School and enlisted in the United States Army on December 2, 1958; and

WHEREAS, SFC James Edward Duncan was married to the former Janice Kinnaird and they were the parents of two sons, James Albert and Mark Edward, and two daughters, Stacy Lynn and Pamela June, and the grandparents of Jason, Jamie and Jordan Duncan; Joseph, Cory and Dustin Duncan; Cody and Lane Sparks; and Tyler and Erica Lavender; and

WHEREAS, SFC James Edward Duncan distinguished himself by gallantry in action on numerous occasions and was awarded the Purple Heart on December 17, 1966, the Bronze Star on April 28, 1967, the Silver Star on November 22, 1969, the Bronze Star with 1st Oak Leaf Cluster on November 19, 1970, and an Army Commendation Medal on November 23, 1970. In addition, SFC Duncan received the Combat Infantry Badge; Good Conduct Medal; Good Conduct Medal with 1st Loop; Good Conduct Medal with 2nd Loop; South Vietnamese Ranger

Badge; South Vietnamese Meritorious Unit Award; Senior Parachutist Badge; National Defense Service Medal; Sharpshooters Badge with bars for Rocket Launcher Badge, Automatic Rifle, Rifle and Mortar; Vietnam Service Medal and the Vietnam Campaign Medal; and

WHEREAS, On March 3, 1971, SFC James E. Duncan was serving as a Light Weapons Infantry Advisor to the 22d Ranger Battalion, 2d Ranger Group, conducting a reinforced search and destroy operation southwest of Ben Het in Kontum Province, an area frequently referred to as the "Parrot's Beak", when a hostile enemy attack was launched on the Ranger Battalion; and

WHEREAS, An accurate mortar attack was directed at the battalion command element and SFC James E. Duncan disregarded his own personal safety to determine the direction from which the attack was being launched; and

WHEREAS, As a result, SFC James E. Duncan was severely wounded yet he continued to provide assistance to the Battalion Senior Advisor in locating the enemy and assisted immeasurably in the requisition and direction of helicopter gunships and airstrikes against the enemy positions until the battalion was able to organize a counterattack; and

WHEREAS, Evacuation of the wounded started as soon as contact with the enemy was broken, but SFC James Edward Duncan died before he could be evacuated; and

WHEREAS, In the chaos of battle, the ARVN commander determined their position was no longer tenable and, under intense fire, ordered the surviving patrol to pull back. The Rangers attempted to carry the bodies of their dead and wounded with them, but the fighting was so intense, they found it necessary to inter the remains of the deceased in shallow graves before breaking contact with the advancing communist force; and

WHEREAS, It is unfortunate, but a reality of war, that the remains of SFC James Edward Duncan were left behind out of the necessity to protect the lives of the team who served with him; and

WHEREAS, The name of SFC James Edward Duncan is listed with honor among the missing because his remains cannot be buried with honor at home; and

WHEREAS, For gallantry in action on March 3, 1971, SFC James Edward Duncan was posthumously awarded the Silver Star with 1st Oak Leaf Cluster, the Purple Heart with 1st Oak Leaf Cluster, and the Bronze Star with 2nd Oak Leaf Cluster; and

WHEREAS, It is fitting and proper, that US Army SFC James Edward Duncan be remembered and acknowledged for his courageous action and dedicated service to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 27-62-20.53 on Route 62 in Point Pleasant, Mason County, the "US Army SFC James Edward Duncan Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "US Army SFC James Edward Duncan Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to the surviving family of SFC James Edward Duncan.

Delegates Howell, Frich, Hamrick, Storch, Cowles, Espinosa, Ireland, Folk, Shott, J. Nelson and Miller offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 64 - "Requesting the Joint Committee on Government and Finance study the feasibility and economic impact of not paving the shoulders of state highways during repaving, when the shoulders are in good condition."

WHEREAS, Shoulders along state highways are often not damaged; and

WHEREAS, Other states allow repaving of only the travel lanes to save resources; and

WHEREAS, Allowing shoulders to remain may be more economical than other alternatives; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the feasibility and economic impact of not paving the shoulders of state highways during repaving each time; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 Frich, Marshall, Barill, Pasdon, Fleischauer, Caputo, R. Phillips, R. Smith, Williams, Pethtel, Mr. Speaker, Mr. Thompson, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Folk, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquinta, Ireland,

Jones, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, McCuskey, Miley, Miller, Moore, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Paxton, Perdue, Perry, L. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, P. Smith, Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, Westfall, White and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 20 - "Honoring the victims and survivors of the 1972 Blacksville Mine Fire."

WHEREAS, On Saturday, July 22, 1972, at approximately 7:30 P.M., a mine fire broke out along the no. 3 north mains track of the Blacksville no. 1 mine, located in Monongalia County; and

WHEREAS, The fire erupted when the continuous miner came into contact with a trolley wire while the mine was idled for routine maintenance and equipment moves; and

WHEREAS, The immediate attempts of Glen Cale, motor operator, to extinguish the fire with a twenty-pound fire extinguisher were unsuccessful. Cale and fellow motorman Frank Strakal attempted to extinguish the fire with a one hundred fifty-pound fire extinguisher, but were forced to abandon their efforts by thick smoke; and

WHEREAS, There were a total of forty-three miners underground at the time of the fire, but only thirty-four successfully escaped; and

WHEREAS, The first rescue teams were not assembled and prepared to enter the mine until 12:40 A.M. on July 23, 1972, but roof falls restricted air flow causing the return airways to load up with methane and the rescue teams were ordered to evacuate the mine; and

WHEREAS, There was an explosion at 2:42 P.M. on July 23, 1972, while rescue teams were evacuating the mine. All rescuers reached the

surface by 3:00 P.M., but two additional explosions occurred leading to a determination to seal the mine; and

WHEREAS, The seals were breached on January 2, 1973, and the bodies of the nine victims were recovered and taken to the surface, but before the mine could be totally recovered the fire rekindled and the immediate fire areas were resealed; and

WHEREAS, A withdrawal order issued by the U. S. Bureau of Mines, prohibiting the removal of the seals without prior approval, remains in effect; and

WHEREAS, Sadly, Terrance Stoneking of Mt. Morris, PA, perished in the mine at age twenty-nine leaving behind a wife and daughter; and

WHEREAS, Sadly, Frederick Phillips of Mt. Morris, PA, perished in the mine at age forty-two leaving behind a wife, two daughters and two sons; and

WHEREAS, Sadly, Conrad Belt of Morgantown, West Virginia, perished in the mine at age thirty-four leaving behind a wife, two daughters and two sons; and

WHEREAS, Sadly, Billy Murray of Morgantown, West Virginia, perished in the mine at age thirty-seven leaving behind a wife and two daughters; and

WHEREAS, Sadly, Roy Sisler of Morgantown, West Virginia, perished in the mine at age twenty-four leaving behind a wife and son; and

WHEREAS, Sadly, Roy Dalton of Morgantown, West Virginia, perished in the mine at age forty-two leaving behind a wife, daughter and three sons; and

WHEREAS, Sadly, Kenneth Haines of Westover, West Virginia, perished in the mine at age twenty-one leaving behind a wife and son; and

WHEREAS, Sadly, Robert Tressler of Westover, West Virginia, perished in the mine at age thirty-two leaving behind a wife, daughter and son; and

WHEREAS, Sadly, Justin Beach of Morgantown, West Virginia, perished in the mine at age twenty-three leaving behind a wife and daughter; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby honors the victims and survivors of the 1972 Blacksville Mine Fire; and, be it

Further Resolved, That the House of Delegates hereby honors the memory of the nine miners who perished in the Blacksville mine fire on July 22, 1972; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Blacksville Mine Memorial Foundation.

PETITIONS

Delegate Walker presented a petition on behalf of his constituents, requesting the return of the Veteran Medical Clinical van to Grantsville, at least on a monthly basis; which was referred to the Committee on Veterans' Affairs and Homeland Security.

BILLS INTRODUCED

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

By Delegates Ashley, Boggs, Staggers, Williams, Moye, Caputo, Kump and Barill:

H. B. 2867 – "A Bill to amend and reenact §15-2A-9 of the Code of West Virginia, 1931, as amended, relating to awarding qualified

disabled state troopers the Purple Heart by the Superintendent of the State Police and a Wounded in the Line of Duty registration by the Department of Motor Vehicles"; to the Committee on Pensions and Retirement then Finance.

By Delegates Perry, Andes, Pasdon, Westfall, Stowers and Skaff:

H. B. 2868 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-16, relating to daily passenger rental car business; and allowing rental vehicle contracts to include a vehicle licensing cost recovery fee"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Frich, Butler, Householder, Barill, R. Phillips, R. Smith, Walters and Hunt:

H. B. 2869 – "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to possessing deadly weapons on premises housing courts of law and in offices of family court judges"; to the Committee on the Judiciary.

By Delegates Householder, Espinosa, Barrett, Moore, Skinner, Williams, Arvon, Cooper, Hamrick, Cadle and J. Nelson:

H. B. 2870 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a discount on state campground rentals for veterans"; to the Committee on Natural Resources then Finance.

By Delegates Householder, Folk, Kump, J. Nelson, Gearheart, Canterbury and Frich:

H. B. 2871 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17B-7-1, relating to providing that West Virginia will not participate in the REAL ID Act of 2005 enacted by the United States Congress in Public Law 109-13"; to the Committee on the Judiciary then Finance.

By Delegates Householder, Espinosa, Barrett, Moore, Skinner, Williams, Arvon, Cooper, Hamrick, Cadle and J. Nelson:

H. B. 2872 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to creating a specified season for Spring turkey hunting"; to the Committee on Natural Resources then the Judiciary.

By Delegates Eldridge, Marcum, White, Boggs, Moore, Barill, Stowers, Campbell, Tomblin, Young and Moye:

H. B. 2873 – "A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to the State Board of Education; and providing that the board require that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship"; to the Committee on Education then Finance.

By Delegates Eldridge, Barill, Campbell, Tomblin, Young, Moye and Manypenny:

H. B. 2874 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to requiring natural gas lessors to provide surface owners on whose properties natural gas producing wells are drilled up to three hundred million cubic feet of free gas per year; and providing that the lessor and an owner may agree to a larger amount"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Manypenny, Canterbury, R. Smith, Diserio, Skinner, Barrett, Sponaugle, Ellem, Hunt, Manchin and Barill:

H. B. 2875 – "A Bill to amend and reenact §11-13Z-1 and §11-13Z-3 of the Code of West Virginia, 1931, as amended, relating to residential solar energy tax credits; applying credit to residential installation of a solar energy system or systems; and extending the tax credit until July 1, 2021"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Walters, Frich, Canterbury, Craig, Miller and Skaff:

H. B. 2876 – "A Bill to amend and reenact §29A-3-16 of the Code of West Virginia, 1931, as amended, relating to a requirement that the Legislative Rule-Making Committee and the Legislative Auditor's Office review legislative rules five years after initial approval by the Legislature; and providing rule- making authority"; to the Committee on the Judiciary then Finance.

By Delegates White, Eldridge, Ferns, Marshall, Perry, Marcum and Moore

[By Request of the Department of Administration]:

H. B. 2877 – "A Bill to amend and reenact §5-16-3 of the Code of West Virginia, 1931, as amended, relating to permitting the Director of the Public Employees Insurance Agency to operate any of the agency's health benefits plans on a calendar year if it is financially advantageous; and providing that financial plans shall continue to be on a fiscal year basis"; to the Committee on Health and Human Resources then Finance.

By Delegates Householder, Lane, Espinosa, Barrett, Moore, Skinner, Williams, Arvon, Cooper, Hamrick and Cadle:

H. B. 2878 – "A Bill to amend and reenact §20-5-18 of the Code of West Virginia, 1931, as amended, relating to providing that a valid West Virginia identification card is an acceptable form of identification to establish age and residency for purposes of obtaining a campground rental discount at state parks or forests for persons over the age of sixty-two"; to the Committee on Natural Resources then Finance.

By Delegates Skinner, Lawrence, Barrett, Swartzmiller, Staggers and Boggs:

H. B. 2879 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-18A-1, §29-18A-2, §29-18A-3, §29-18A-4 and §29-18A-5, all relating to creating the West Virginia Commuter Rail Access Act; definitions;

agreement with other states requirement; verifications; and authorizing a tax credit to the railroad in lieu of payment of track access fees commencing July 1, 2014"; to the Committee on Roads and Transportation then Finance.

By Delegates Householder, Iaquinta, Border, Barrett, P. Smith, J. Nelson, Paxton, Gearheart, Cadle, Espinosa and Cooper:

H. B. 2880 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to provide special outdoor recreational opportunities for eligible veterans and members of the Armed Forces; and rules"; to the Committee on Natural Resources then Finance.

By Delegates Householder, Gearheart, Ellington, Miller and Cowles:

H. B. 2881 – "A Bill to amend and reenact §3-2-7 of the Code of West Virginia, 1931, as amended, relating to voting procedures; and requiring photograph on voter's registration card"; to the Committee on the Judiciary then Finance.

By Delegates Householder, Gearheart, Lane, Border, Cadle, Kump and Andes:

H. B. 2882 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-14-1, §4-14-2 and §4-14-3, all relating to creating the Budget Reform Act; making legislative findings; requiring spending cuts in state government; and establishing an effective date"; to the Committee on Finance.

By Delegates Frich, A. Evans, Romine, Ellem, Williams, Ireland, Hartman, Miller and Pethtel:

H. B. 2883 – "A Bill to amend and reenact §20-2-7 of the Code of West Virginia, 1931, as amended, relating to hunting, trapping or fishing on lands of another person; and absolving the landowner and his or her tenant or agent of civil liability for injuries suffered by a person hunting, trapping or fishing on his or her lands with or without

written permission"; to the Committee on Natural Resources then the Judiciary.

By Delegates Armstead, Kump, A. Evans, Romine, D. Evans, Cowles, Walters, Espinosa, Shott, J. Nelson and McCuskey:

H. B. 2884 – "A Bill to amend and reenact §29B-1-2 and §29B-1-4 of the Code of West Virginia, 1931, as amended, all relating to the Freedom of Information Act; redefining the term 'public record'; and limiting the exemption for internal memoranda or letters received or prepared by any public body"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya, Miller, Westfall, J. Nelson, Frich, Border, Raines, Householder, Sumner, Eldridge and Arvon:

H. B. 2885 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5c, relating to prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles except for ceremonial purposes; prohibiting elected or appointed officials from placing their name or likeness on trinkets paid for with public funds; prohibiting an elected or appointed official from using public funds to distribute certain published materials bearing his or her name or likeness within sixty days prior to a primary or general election in which that public official is a candidate; defining terms; and making exceptions"; to the Committee on the Judiciary.

By Delegates White, Eldridge, Marcum, Miley, Skaff, Stowers, R. Phillips and Reynolds

[By Request of the Tax and Revenue Department]:

H. B. 2886 – "A Bill to amend and reenact §11-14C-2, §11-14C-5, §11-14C-9, §11-14C-10, §11-14C-13 and §11-14C-19, of the Code of West Virginia, 1931, as amended, to amend said code by adding thereto a new section, designated §11-14C-6a; to amend and reenact §11-15-18b of said code; and to amend and reenact §11-15A-13a of said code, all relating to the taxation of alternative fuel; defining terms; requiring the Tax Commissioner to determine the gasoline gallon

equivalent for alternative fuels; imposing tax on motor fuel equivalent gallons; specifying the point of imposition of tax on alternative fuels not otherwise taxed at the point of imposition; providing that propane used in a motor vehicle is subject to the tax; requiring alternative fuel bulk end-users, providers of alternative fuels and retailers of alternative fuels to be licensed; establishing bonding requirements for alternative fuel bulk end-users, providers of alternative fuels and retailers of alternative fuels; establishing due dates for returns and payments of tax on alternative fuels; and specifying effective dates for amendments"; to the Committee on Roads and Transportation then Finance.

By Delegates Perry, L. Phillips, Westfall, Morgan, Longstreth, Caputo, Lynch, Skinner, Stowers, Romine and Craig:

H. B. 2887 – "A Bill to amend and reenact §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as amended, all relating to compensation of elected county officials and county commissioners for each class of county; legislative findings; and authorizing increasing this compensation after July 1, 2013"; to the Committee on Finance.

HOUSE CALENDAR

UNFINISHED BUSINESS

S. C. R. 3, Requesting DOH name bridge in Boone County "Army Sergeant Junior Elwood Dunlap Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

S. C. R. 4, Requesting DOH name bridge in Boone County "James 'Eddie' Mooney Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

Com. Sub. for S. C. R. 5, Requesting DOH name bridge in Wetzel County "Army Sgt. Norman R. Cunningham Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk.

An amendment, recommended by the Committee on Rules, was reported by the Clerk and adopted, amending the resolution on page two, line seventeen, by striking out "2013" and inserting in lieu thereof "2012".

There being no further amendments, the resolution was then adopted.

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

S. C. R. 6, Requesting DOH name bridge in Wayne County "Wayne County Veterans Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

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

Com. Sub. for H. C. R. 5, The "Edward I. Eiland Bridge",

Com. Sub. for H. C. R. 9, The "Garry Lee Burgess Memorial Bridge",

Com. Sub. for H. C. R. 15, The "Curtis Emmet Lowe Bridge",

H. C. R. 24, The "Rex Lane Mullins Memorial Bridge",

H. C. R. 26, The "Army Corporal Richard D. McGhee Memorial Triangle",

H. C. R. 31, The "WWII 78th Lightning Division Road",

H. C. R. 33, The "201st Artillery Drive",

H. C. R. 39, The "PFC Harry Sine, Jr. Memorial Bridge",

And,

Com. Sub. for H. C. R. 54, The "Sergeant First Class Thomas Clyde Farley Memorial Bridge".

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 H. B. 2351, Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license; 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. 15)**, 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2351) 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. 2450, Granting licensed real estate appraisers access to commercial or residential review documents; 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. 16)**, and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Folk, Kump and Lynch.

ABSENT AND NOT VOTING: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2450) 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. 2579, Revising state water quality standard for Selenium; 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. 17)**, 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2579) 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. 2764, Relating to compulsory school attendance; 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. 18)**, and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Howell.

ABSENT AND NOT VOTING: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2764) 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

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

H. B. 2361, Relating to the definition of "eligible veteran" for certain state training and employment preference benefits,

Com. Sub. for H. B. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities,

Com. Sub. for H. B. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations,

And,

Com. Sub. for H. B. 2760, Creating a uniform regulation of firearms, ammunition, and firearm accessories.

LEAVES OF ABSENCE

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

At 11:36 A.M., the House of Delegates adjourned until 1:00 P.M., Monday, March 11, 2013.

MONDAY, MARCH 11, 2013

TWENTY-SEVENTH DAY

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

The House of Delegates met at 1:00 P.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Friday, March 8, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Miley, 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. 2567, Relating to limited partnerships,

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

Com. Sub. for H. B. 2567 - "A Bill to amend and reenact §47-9-44 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto two new sections, designated §47-9-10a and §47-9-53a, all relating to limited partnerships; authorizing the Secretary of State to administratively dissolve and reinstate limited partnerships; allowing appeals to the circuit court; and authorizing the Secretary of State to revoke and reinstate certificates of authority of foreign limited partnerships,"

With the recommendation that the committee substitute do pass.

RESOLUTIONS INTRODUCED

Delegates Skaff, Guthrie, Wells, Poore, Raines, E. Nelson, McCuskey and Hunt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 65 - "Requesting the Division of Highways to rename the Ruth Bridge over Trace Fork of Davis Creek, bridge number 20-214-5.35 on Route 214 in Kanawha County, the 'Jimmie Stewart Pauley Memorial Bridge United States Air Force'."

WHEREAS, Mr. Pauley was born on June 27, 1935 in South Charleston; and

WHEREAS, Mr. Pauley spent his youth in Ruth, West Virginia, where he attended a one room schoolhouse; and

WHEREAS, After graduating from Washington District High School, Mr. Pauley worked at an A&P Grocery store; and

WHEREAS, Mr. Pauley joined the United Sates Air Force as an Airman Basic and was stationed in Charleston; and

WHEREAS, In May 1954, Mr. Pauley transferred to Langley Air Force Base in Hampton, Virginia where he received a series of promotions and attained the rank of Military Policeman; and

WHEREAS, Mr. Pauley served as an Honor Guard in May 1957 when Queen Elizabeth and Prince Phillip came to Virginia to celebrate the 350th Anniversary of Jamestown and later that year in October, he was awarded the National Medal of Defense and the Good Conduct Medal; and

WHEREAS, In November 1957, Mr. Pauley was transferred to Charleston to serve in the Air Force Reserves and after an Honorable

Discharge in 1961, he continued to serve in the Army National Guard in Charleston until his Honorable Discharge in October 1964; and

WHEREAS, On October 13, 1956, Mr. Pauley married Norma Jean Foster and together they raised three children, Jimmie Stewart Pauley, Jr., Deborah Pauley and Cheryl Pauley; and

WHEREAS, Following his discharge in 1964, Mr. Pauley continued to work in the grocery industry followed by several years in the construction business; and

WHEREAS, Throughout his life Mr. Pauley was known as a kind and generous man who liked to hunt and loved his family above all; and

WHEREAS, Mr. Pauley's life, as well as the life of his son, Jimmie Pauley, Jr., suddenly ended on May 15, 1979 when the scaffold on which they were working at Mountaineer Power Plant in New Haven collapsed; and

WHEREAS, It is fitting to honor Mr. Pauley for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename the Ruth Bridge over Trace Fork of Davis Creek, bridge number 20-214-5.35 on Route 214 in Kanawha County, the "Jimmie Stewart Pauley Memorial Bridge United States Air Force"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Jimmie Stewart Pauley Memorial Bridge United States Air Force"; and, be it

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

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

H. C. R. 66 - "Requesting the Division of Highways name bridge number 23-119-18.13 in Chapmanville, Logan County, West Virginia, on Corridor G, close to Trace Fork Road, the 'PFC Casey West Memorial Bridge, United States Army'."

WHEREAS, PFC Casey West was born on January 6, 1924, and raised in Taplin, West Virginia; and

WHEREAS, While working in the coal mine at Cleen Eagle, West Virginia, PFC Casey West was drafted into the United States Army; and

WHEREAS, While in the United States Army, PFC Casey West served as an infantryman in the 36th Division; and

WHEREAS, on January 22, 1944, PFC Casey West was wounded at Casino, Italy; and

WHEREAS, PFC Casey West received several awards for his service in the United States Army including a Purple Heart, a European-African-Middle Eastern Campaign Ribbon with one Bronze Star and a 36th Division Blue Star; and

WHEREAS, Following his honorable discharge from the United States Army, PFC Casey West returned to Logan County, West Virginia, where he married Freda Hager and had six children; and

WHEREAS, Throughout his adult life in Logan County, PFC Casey West worked as a mechanic in the coal mines and was renowned for his invention propensities both on the job, at home and in the community; and

WHEREAS, Following a long and productive life, PFC Casey West died on June 7, 2008, in the county of his birth; and

WHEREAS, It is only fitting and proper that a bridge in Logan County, West Virginia, be named in honor of PFC Casey West and that the bridge henceforth stand as a permanent memorial so that his service to our country and the world and his devotion to Logan County, West Virginia, not be forgotten; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 23-119-18.13 in Chapmanville, Logan County, West Virginia, on Corridor G next to Trace Fork Road, the "PFC Casey West Memorial Bridge, United States Army"; and, be it

Further Resolved, That the Division of Highways is requested to have made, and be placed, signs identifying the bridge, both north bound and south bound, in bold and prominent letters, as the "PFC Casey West Memorial Bridge, United States Army"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the surviving children of PFC Casey West who are Arlena Mann, Nancy Fowler, Drema Farris, Jerry West and Donald West, all residing in Logan County, West Virginia.

Delegates Iaquinta, Miley, Fragale, P. Smith, Wells, Longstreth, Boggs, Caputo, Hamrick, and Perry offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 67 - "Requesting the Division of Highways to rename the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the 'J. Cecil Jarvis Memorial Bridge'."

WHEREAS, J. Cecil Jarvis was born on May 11, 1949, in Clarksburg, West Virginia and passed away as a result of a bicycle crash on the bridge over Skin Creek on Skin Creek Road in Lewis County on May 27, 2007; and

WHEREAS, J. Cecil Jarvis grew up in Clarksburg, West Virginia and graduated from Washington Irving High School; and

WHEREAS, J. Cecil Jarvis graduated from Lehigh University and Vanderbilt Law School; and

WHEREAS, J. Cecil Jarvis practiced for over thirty years with the Clarksburg, West Virginia law firm of McNeer, Highland, McMunn & Varner; and

WHEREAS, J. Cecil Jarvis was a member of the Bridgeport United Methodist Church of Bridgeport, West Virginia; and

WHEREAS, J. Cecil Jarvis was survived by his wife, Rebecca, his children, Amy, Jennie and Brian, and his grandchildren, Nathan, John, Henry, Cole and Evelynn; and

WHEREAS, J. Cecil Jarvis served two terms on the board of directors of United Hospital Center, was chairman of the board for several years and was a leader and champion of the fund raising for and building of the new United Hospital Center Building; and

WHEREAS, J. Cecil Jarvis served on the board of directors of the West Virginia United Health System, and was highly instrumental in merging United Hospital Center into the West Virginia United Health System; and

WHEREAS, J. Cecil Jarvis served as president of Clarksburg Publishing Company from 2002 until his passing, publishing the widely-circulated *Clarksburg Exponent-Telegram*, and contributing a weekly column based on estate planning and taxation; and

WHEREAS, J. Cecil Jarvis served on the board of the Harrison County Chamber of Commerce and served as president of the Harrison County Bar Association; and

WHEREAS, J. Cecil Jarvis was a strong advocate for healthy living, pursuing athletic and outdoor activities at every opportunity, including hunting, fishing, four Iron Man Triathlons, and two Boston Marathons, the last completed shortly before his passing; and

WHEREAS, It is fitting and proper, that J. Cecil Jarvis' life, distinguished career, service to his community and the outstanding example he set for his peers and members of the next generation be honored by naming the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the "J. Cecil Jarvis Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the "J. Cecil Jarvis Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "J. Cecil Jarvis Memorial Bridge"; and, be it

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

Mr. Speaker, Mr. Thompson, and Delegates Ashley, Barill, Barrett, Boggs, Butler, Craig, Diserio, Ferns, Ferro, Fleischauer, Guthrie, Hunt, Iaquinta, Jones, Manchin, Manypenny, Marcum, Marshall, Miley, Moore, Morgan, Moye, E. Nelson, Paxton, Perdue, Perry, Pethtel, R. Phillips, D. Poling, M. Poling, Poore, Reynolds, P. Smith, Stephens, Storch, Stowers, Swartzmiller, Tomblin, Walker, Wells, White, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 21 - "Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows."

WHEREAS, The United Mine Workers of America has secured health care and pensions for retired coal miners, and widows, through decades of collective bargaining; and

WHEREAS, The gains made for working miners as a result of collective bargaining are now being threatened through the use of the bankruptcy proceedings; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes the current collective bargaining agreement for active UMWA members at Patriot operations; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes retiree pensions and health care via Patriot's bankruptcy action; and

WHEREAS, Actions taken by Peabody and Arch to shed themselves of promised health and retirement benefits through corporate schemes could also hurt coal retirees' pensions and health care; and

WHEREAS, The loss of promised health care and retirement benefits jeopardizes the health and security of UMWA active, laid off and retired members and their dependants; and

WHEREAS, The loss of promised health care and retirement benefits, if not addressed, could push many local communities into a financial crisis; and

WHEREAS, All coal field communities have a significant interest in fighting to maintain retiree pensions and health care for our citizens; therefore; be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates pledge to the United Mine Workers of America and its membership to join in the fight to protect and maintain mine workers' pensions and health care from assaults by these and other coal operators; and be it

Further Resolved, That the West Virginia House of Delegates call upon Peabody, Arch and Patriot to live up to their obligations to provide coal miners' health care and retirement security; and be it

Further Resolved, That the West Virginia House of Delegates call upon others to assist in preventing these corporations from stripping from active, laid off, and retired coal miners their contractually-promised lifetime health care benefits.

BILLS INTRODUCED

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

By Delegates Miley, Fragale, Manchin, Fleischauer, Longstreth and Caputo:

H. B. 2888 – "A Bill to amend and reenact §8-14-7 of the Code of West Virginia, 1931, as amended, relating to policemen's civil service commissions; authorizing commissioners to serve on other boards and commissions"; to the Committee on Government Organization then the Judiciary.

By Delegates Storch, Howell, E. Nelson, Shott, McCuskey, Ashley, Hunt, Miley and Manchin:

H. B. 2889 – "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to possessing deadly weapons on premises housing courts of law and in offices of family court judges; providing an exemption for magistrates and judges who are licensed to carry a concealed weapon"; to the Committee on the Judiciary.

By Delegates D. Poling, Guthrie, Ellem, Paxton, Poore, Diserio, Ferns, Skaff, Border, Eldridge and Barill:

H. B. 2890 – "A Bill to amend and reenact §8-15-26 of the Code of West Virginia, 1931, as amended, relating to violating provisions of the civil service law for paid fire departments; and increasing criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Caputo, Ashley, D. Poling, Reynolds, Hamilton, Pethtel, Walker, Morgan, Diserio, Poore and Stephens:

H. B. 2891 – "A Bill to amend and reenact §15-2-33 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2A-12 of said code, all relating to scholarships for dependent children of state troopers who die in performance of duty; and stating amount available per year"; to the Committee on Education then Finance.

By Delegates P. Smith, Pino and Marcum:

H. B. 2892 – "A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing the number of strikes in jury selection in felony cases to provide five strikes to the accused and three strikes to the prosecution"; to the Committee on the Judiciary.

By Delegates Manypenny, Marshall, Moore, Wells, Caputo, Longstreth and Fleischauer:

H. B. 2893 – "A Bill to amend and reenact §29-1-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §37-13a-1 and §37-13a-5, all relating to preservation of cemeteries; requiring cultural surveys be performed before certain construction projects by natural gas pipeline companies; setting forth requirements; authorizing the Director of the Historic Preservation Section of the Division of Culture and History to issue permits for nonjurisdictional gathering lines; establishing a permit fee; requiring property owners to provide access to cemeteries and burial sites under certain circumstances; permitting injunctive relief; requiring attorney fees and costs be awarded when injunctive relief is granted; prohibiting natural gas pipelines, wells and associated facilities from being constructed within one hundred feet of a cemetery or grave site; and providing an effective date"; to the Committee on the Judiciary then Finance.

By Delegates Overington, Householder, Ellington, Gearheart, Hunt, Moore, Sponaugle, Longstreth, Sobonya, Hamilton and Pino:

H. B. 2894 – "A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to exceptions as to

prohibitions against carrying concealed deadly weapons; relating to officers of the Division of Corrections or the Regional Jail Authority"; to the Committee on the Judiciary.

By Delegates Fleischauer, Barill, Marshall, Iaquinta, Lynch, Young, Pasdon, Manypenny, Staggers, D. Poling and Ferro:

H. B. 2895 – "A Bill to amend and reenact §7-3-2a of the Code of West Virginia, 1931, as amended, relating to requiring display of POW/MIA flag on county courthouses and other government buildings"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Pethtel, Jones, Stowers, Craig, Canterbury, Lynch and Kump:

H. B. 2896 – "A Bill to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-22-18c; and to amend and reenact §8-22A-4 of said code, all relating to municipal policemen and firemen pensions; providing additional investigatory and legal powers and duties of the West Virginia Municipal Pensions Oversight Board; requiring certain notice of lawsuit to the West Virginia Municipal Pensions Oversight Board; limiting certain court orders under certain circumstances; clarifying refunds to members; clarifying circumstances in which a member may retire when the member's service has been interrupted by duty with the Armed Forces of the United States; and extending the cut-off date for the West Virginia Municipal Police Officers and Firefighters Retirement System plan to 2017"; to the Committee on Pensions and Retirement then Finance.

By Delegates Marshall, Iaquinta, Williams, Anderson, A. Evans, Pethtel, White, Fleischauer and Barill:

H. B. 2897 – "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof"; to the Committee on Finance.

HOUSE CALENDAR

UNFINISHED BUSINESS

Com. Sub. for H. C. R. 22, The "Kerry Albright Road"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

THIRD READING

H. B. 2361, Relating to the definition of "eligible veteran" for certain state training and employment preference benefits; 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. 19)**, 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: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2361) 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. 2553, Authorizing the Secretary of State to administratively dissolve certain business entities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 20)**, and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Folk, Howell and Kump.

ABSENT AND NOT VOTING: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2553) 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. 2554, Providing a procedure for the Secretary of State to reinstate certificates of authority for foreign corporations; 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. 21)**, and there were—yeas 98, nays none, absent and not voting 2, with the nays and absent and not voting being as follows:

ABSENT AND NOT VOTING: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2554) 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. 2760, Creating a uniform regulation of firearms, ammunition, and firearm accessories; 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. 22)**, and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Guthrie, Poore, Skinner and Wells.

ABSENT AND NOT VOTING: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2760) passed.

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

FIRST READING

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

Com. Sub. for H. B. 2397, Authorizing a county commission to temporarily fill vacancies in certain offices,

Com. Sub. for H. B. 2414, Conveying property to a nonprofit,

H. B. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors,

And,

Com. Sub. for H. B. 2747, Relating to Open Governmental Proceedings.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Fragale and D. Poling.

At 1:56 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, March 12, 2013.

TUESDAY, MARCH 12, 2013

TWENTY-EIGHTH DAY

[Mr. Speaker, Mr. Thompson, in the Chair]

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Monday, March 11, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

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

Your Committee on Finance has had under consideration:

S. B. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts,

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

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2688, Board of Optometry, continuing education,

H. B. 2689, Board of Optometry, schedule of fees,

H. B. 2713, Board of Optometry, expanded therapeutic procedures certificates,

And,

H. B. 2778, Defining alternative nicotine products and electronic cigarettes.

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

In accordance with the former direction of the Speaker, the bills (H. B. 2688, H. B. 2689, H. B. 2713 and H. B. 2778) were each referred to the Committee on the Judiciary.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2131, Requiring Medicaid to have public notice and comment period and to have state plan amendments approved by LOCHHRA,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2131) was referred to the Committee on Finance.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2766, Creating the "West Virginia Winner" program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2766) was referred to the Committee on Finance.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2512, Reforming the State Medicaid subrogation statute,

H. B. 2589, Repeals the section requiring a license to sell drug paraphernalia,

H. B. 2667, Department of Health and Human Resources, minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults,

And,

H. B. 2670, Department of Health and Human Resources, general sanitation,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2512, H. B. 2589, H. B. 2667 and H. B. 2670) were each referred to the Committee on the Judiciary.

MESSAGES FROM THE EXECUTIVE

The Speaker presented annual reports from various state agencies as required by the provisions of law, as follows:

Commission on Special Investigations

Film Office

Juvenile Services, Division of

Library Commission

Massage Therapy

And,

Public Service Commission

The above-referenced reports are on file in the Clerk's Office.

MESSAGES FROM THE SENATE

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. 125 - "A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to permitting the Monongalia county commission to levy a special district excise tax"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the adoption, as amended, of

Com. Sub. for S. C. R. 5, Requesting DOH name bridge in Wetzel County "Army Sgt. Norman R. Cunningham Memorial Bridge".

RESOLUTIONS INTRODUCED

Delegates Perry, Staggers, Pino, Iaquinta, Moore, Marshall and Poore offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 68 - "Requesting that bridge number 10-16-21.80 carrying State Route 16 across the New River near Cotton Hill, Fayette County, West Virginia, currently named the Charles C. Rogers Bridge, be renamed the 'Army Maj. Gen. Charles C. Rogers Memorial Bridge' to properly acknowledge the military title and rank of this career soldier who was awarded the nations highest military honor for bravery in Vietnam."

WHEREAS, Charles C. Rogers was born September 6, 1929 in Clairmont, West Virginia and graduated from DuBois High School in Mount Hope, West Virginia; and

WHEREAS, Charles C. Rogers received a Bachelor of Science degree at Shippensburg State College in Pennsylvania; and

WHEREAS, While holding the rank of Lieutenant Colonel in the United States Army serving in Vietnam in 1968, Charles C. Rogers distinguished himself acting at the risk of his own life above and beyond the call of duty while commanding the 1st Battalion, 5th Field Artillery Regiment, 1st Infantry Division which repelled repeated enemy artillery and ground attacks against their fire support base by forces superior in numbers, and during the repeated attacks the commander received several serious wounds but continued to lead his troops; and

WHEREAS, For his bravery and outstanding leadership Charles C. Rogers received the Congressional Medal of Honor; and

WHEREAS, Following service in Vietnam Charles C. Rogers continued to command United States Army troops in Germany, reaching the rank of Major General; and

WHEREAS, Following retirement from the Army, Major General Rogers was ordained a Baptist minister, continued to live in Germany and served U. S. troops stationed in Germany; and

WHEREAS, Major General Rogers died in Germany in 1990 and was buried in Arlington National Cemetery; and

WHEREAS, It is the desire of the local community and the Legislature that Bridge Number 10-16-21.80 be renamed to reflect the rank and title which Major General Rogers attained in the service of his country; therefore, be it

Resolved by the Legislature of West Virginia:

That bridge number 10-16-21.80 carrying State Route 16 across the New River near Cotton Hill, Fayette County, West Virginia, currently named the Charles C. Rogers Bridge, be renamed the "Army Maj. Gen. Charles C. Rogers Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Army Maj. Gen. Charles C. Rogers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to members of the Charles C. Rogers family.

Delegates E. Nelson, Ambler, Anderson, Andes, Armstead, Ashley, Barrett, Butler, Campbell, Canterbury, Cowles, Craig, Ellington, A. Evans, D. Evans, Ferns, Gearheart, Hartman, Householder, Howell, Ireland, Lane, McCuskey, Miley, Miller, O'Neal, Pasdon, R. Phillips, Raines, Reynolds, Skaff, P. Smith,

Sobonya, Staggers, Storch, Stowers, Sumner, Walters, White and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 69 - "Requesting the Joint Committee on Government and Finance study the impact of the $200 million, more or less, in economic development grants used during the Governor Bob Wise administration."

WHEREAS, Economic development is vital for the continued growth and prosperity of West Virginia; and

WHEREAS, Recipients of economic development grants must be carefully selected in order to achieve the maximum benefit for the citizens of West Virginia; and

WHEREAS, It is the desire of the Legislature to provide oversight to ensure that the money of the people of West Virginia is wisely spent; and

WHEREAS, After nearly a decade, the opportunity to assess the effectiveness of these economic development grants is certainly ripe and timely; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the disposition of the $200 million, more or less, in economic development grants used during the Governor Bob Wise administration, including the name and location of the entities receiving the funds disbursed; and, be it

Further Resolved, That the committee examine and have data compiled delineating the time frame from the initial approval of these grants to the time the grants were actually invested, and the amount of state funds as a percentage of total investment in each project; and, be it

Further Resolved, That the committee shall especially consider the impact of these economic development projects upon the communities in which they were and are situated and whether they have succeeded in providing a net economic benefit to the community; and, be it

Further Resolved, That the committee shall examine whether the economic development projects actually used the funds received in a manner consistent with the original proposed use of state funds; and, be it

Further Resolved, That the committee shall consider all such information or documentation as the committee may request in order to achieve the goals of this resolution; and, be it

Further Resolved, That the committee report to the regular session of the Legislature, 2014, 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 Howell, Ambler, Armstead, Canterbury, Ellington, Espinosa, D. Evans, Faircloth, Folk, Frich, Gearheart, Kump, McCuskey, E. Nelson, J. Nelson, Shott and Walters offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 70 - "Requesting the Joint Committee on Government and Finance study the feasability of having magistrate districts to be the same as delegate districts and circuit courts' geographical jurisdiction to be the same as senatorial districts."

WHEREAS, The Legislature desires to provide the citizens of this state with efficient levels and branches of government; and

WHEREAS, A need exists to analyze the benefits and costs associated with the geographical jurisdictions of magistrate courts and circuit courts; and

WHEREAS, The Legislature needs to examine and compare the current judicial districts with the current legislative districts in order to determine whether they should be one and the same; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study feasability of magistrate districts being the same as delegate districts and circuit courts' geographical jurisdiction to be the same as senatorial districts; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 E. Nelson, Ambler, Anderson, Andes, Armstead, Canterbury, Craig, D. Evans, Gearheart, Householder, Ireland, Lane, McCuskey, Miller, Reynolds, Sobonya, Storch, Sumner and Walters offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 71 - "Requesting the Joint Committee on Government and Finance to study the impact of the Neighborhood Investment Program tax credit."

WHEREAS, Our state faces unprecedented challenges in its budget; and

WHEREAS, The continued viability of our revenue streams is of the prime importance; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the history and the impact of the Neighborhood Investment Program tax credit; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, on its findings, conclusions and recommendations together with drafts of any legislation 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 E. Nelson, Ambler, Andes, Butler, Canterbury, Ellington, D. Evans, Gearheart, Hartman, Householder, Lane, McCuskey, Miller, Raines, Sobonya, Storch and Sumner offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 72 - "Requesting the Joint Committee on Government and Finance study the impact of consolidating certain constitutional offices, including the Treasurer and Auditor."

WHEREAS, The State of West Virginia has, in addition to the Governor, five additional elected offices in its Board of Public Works; and

WHEREAS, These offices were established many years ago and the need for and scope of the powers and duties of such offices merits review on a periodic basis; and

WHEREAS, Significant savings to the citizenry may be realized from combining or reassigning the powers and duties of these offices and, in some cases, possibly by consolidating the offices themselves; and

WHEREAS, It behooves this body to act in every expedient manner to save the taxpayer moneys which would otherwise be better expended; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the impact of combining the offices of Treasurer and Auditor into a single elected office, the savings to be realized by this and issues arising from it; and, be it

Further Resolved, That the committee consider the impact of eliminating the offices of Treasurer and Auditor and providing the services currently provided by these offices by other agencies of the executive branch; and, be it

Further Resolved, That the committee consider the impact of eliminating the office of Auditor and replacing it with a legislative audit office under joint control of a committee comprised of equal numbers of members of each political party in the Legislature and of equal numbers from each house of the Legislature; and, be it

Further Resolved, That the committee consider all information or documentation as the committee requests in order to achieve the goals of this resolution; and, be it

Further Resolved, That the Committee report to the regular session of the Legislature, 2014, 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.

BILLS INTRODUCED

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

By Mr. Speaker, Mr. Thompson, and Delegates Caputo, Boggs, Williams, Manchin, Ferro, Swartzmiller, Skaff, D. Poling, Stowers and Fleischauer:

H. B. 2898 – "A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to maintaining a minimum of eight hundred state troopers by July 1, 2018"; to the Committee on Finance.

By Delegates Caputo, Boggs, D. Poling, Reynolds, Pethtel, Hamilton, Walker, Morgan, Diserio, Poore and Stephens:

H. B. 2899 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to compensating state troopers for off-duty time when they are required to be on standby to be called back to work"; to the Committee on Finance.

By Delegates Folk, Hamrick, Staggers and Kump:

H. B. 2900 – "A Bill to amend and reenact §8-29-6 of the Code of West Virginia, 1931, as amended, relating to requiring regional airport authority board members to include persons of area expertise"; to the Committee on Government Organization then Finance.

By Delegates Shott, Moore, Ellington, Gearheart and L. Phillips:

H. B. 2901 – "A Bill to amend and reenact §49-5-11 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; and requiring the Supreme Court of Appeals and the county board of education to each pay one half of the costs for hiring a school-based

juvenile probation officer under specified circumstances"; to the Committee on the Judiciary then Finance.

By Delegates Miley, Skinner and Ferro:

H. B. 2902 – "A Bill to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, all relating to establishing voting precincts and changing the composition of standard receiving boards; increasing the limit on the size of voting precincts to three thousand registered voters in urban areas and one thousand in rural areas; permitting precincts in urban or rural areas to have fewer than the minimum numbers of registered voters allowed; permitting an increase in the size of standard receiving boards in enlarged precincts; providing an option to have more poll workers and commissioners; and permitting fewer poll workers in precincts during a municipal election where there is no simultaneous state or county election"; to the Committee on the Judiciary then Finance.

By Delegates Walters, Paxton and M. Poling:

H. B. 2903 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-1b, relating to taxation; creating the Economic Fairness Act of 2013; and requiring the Tax Commissioner to refund to the five counties with the highest unemployment, twenty percent of the personal income tax collected"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Kump, Canterbury, Faircloth, Rowan, Howell, Ambler, Folk, Romine and R. Smith:

H. B. 2904 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-14-1, §4-14-2, §4-14-3, §4-14-4 and §4-14-5, all relating to the Office of State Employee Ombudsman; creating a State Employee Ombudsman; describing the qualifications of the State Employee Ombudsman; providing for powers and duties; specifying investigatory powers; describing complaint procedures; requiring annual reports; describing

penalties for noncompliance; and allowing for enforcement"; to the Committee on Government Organization then Finance.

By Delegates Fleischauer, Pasdon, Campbell, Lynch, Hunt, Ferns, Perry, Moore, Marshall, Barill and Perdue:

H. B. 2905 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-18, relating to establishing anesthesia patient safety standards for office-based surgery; granting regulatory authority to the Board of Medicine and the Board of Osteopathy; making legislative findings; establishing registration requirements; requiring registration fees; and authorizing rule making"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Skinner, Lawrence and Morgan:

H. B. 2906 – "A Bill to amend and reenact §30-27-6 of the Code of West Virginia, 1931, as amended, relating to the board of Barbers and Cosmetologists; and requiring that examinations for cosmetologists be given in a language that the testing vendor offers"; to the Committee on Government Organization then the Judiciary.

By Delegates L. Phillips, R. Phillips, Tomblin, Eldridge, Stowers, White, Craig, Moore and Barill:

H. B. 2907 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4 and §61-3F-5, all relating to property crimes committed against coal mines and other industrial facilities; making legislative findings; defining terms; providing for additional criminal penalties for trespass at a coal mine or industrial facility; providing for criminal penalties and restitution for the removal, destruction, injury or defacement of real or personal property belonging to a coal mine or industrial facility; and providing that prosecution for other crimes is not precluded"; to the Committee on the Judiciary then Finance.

By Delegates Folk, Hamrick and Kump:

H. B. 2908 – "A Bill to amend and reenact §8-29-4 of the Code of West Virginia, 1931, as amended, relating to regional airports; reducing the terms of members; altering membership; and calculating membership for each municipality"; to the Committee on Government Organization then Finance.

By Delegates White, Eldridge, Ferns, Marshall, Perry, D. Poling, Marcum, Stowers, R. Phillips and Pino

[By Request of the Department of Administration]:

H. B. 2909 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8a, relating to air-ambulance fees paid by the West Virginia Public Employees Insurance Agency"; to the Committee on Health and Human Resources then Finance.

By Delegates White and Marcum

[By Request of the Tax and Revenue Department]:

H. B. 2910 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5bb, relating to the collection of taxes; requiring the lottery commission to offset certain lottery prizes against the state tax liabilities of the prize winner; authorizing an agreement between the tax department and the lottery commission for the purpose of establishing collection procedures"; to the Committee on the Judiciary then Finance.

By Delegates Folk, Householder, Frich, Kump, Faircloth, Lynch, Williams, Butler, Cooper, Cadle and Shott:

H. B. 2911 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-4a, relating to dangerous weapons; license to carry a concealed weapon; and providing an exemption of license information from disclosure under the West Virginia Freedom of Information Act"; to the Committee on the Judiciary.

By Delegates White, Marcum and Moore

[By Request of the Tax and Revenue Department]:

H. B. 2912 – "A Bill to amend and reenact §11-10-5s of the Code of West Virginia, 1931, as amended, relating to disclosure of confidential taxpayer information; authorizing the disclosure of specified tax information by the Tax Commissioner to the Attorney General; authorizing the disclosure of specified tax information by the Attorney General to specified persons relevant to enforcement of Tobacco Master Settlement Agreement; authorizing the Tax Commissioner to enter into a written agreement with the State Auditor for disclosure of confidential tax information to the State Auditor to facilitate the State Auditor's participation in federal and state offset programs to collect unpaid taxes; and providing for protection and limited use of confidential information"; to the Committee on the Judiciary then Finance.

By Delegates White and Marcum

[By Request of the Tax and Revenue Department]:

H. B. 2913 – "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §11-10-26, relating to correction of certain erroneous distributions, transfers, allocations, overpayments or underpayments; specifying immunity of agencies, subdivisions and instrumentalities of this state from any fine, penalty, assessment or imposition as a result of, or attributable to the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys"; to the Committee on the Judiciary then Finance.

By Delegates White and Marcum

[By Request of the Tax and Revenue Department]:

H. B. 2914 – "A Bill to amend and reenact §11-14B-14 of the Code of West Virginia, 1931, as amended, relating to conformity with the international fuel tax agreement, specifying that on and after July 1, 2013, specified provisions of the international fuel tax agreement, as amended and in effect on that date, apply to motor fuel taxes collected

under the international fuel tax agreement"; to the Committee on Roads and Transportation then Finance.

By Delegates White and Marcum

[By Request of the Tax and Revenue Department]:

H. B. 2915 – "A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-10C-2 of said code, all relating to the withdrawal of state tax liens recorded prematurely, inadvertently or erroneously"; to the Committee on the Judiciary then Finance.

By Delegates White and Marcum

[By Request of the Tax and Revenue Department]:

H. B. 2916 – "A Bill to amend and reenact §11-21-8g of the Code of West Virginia, 1931, as amended, relating to eliminating eligibility of expenses for qualified rehabilitated building investment credit for residential structures; specifying effective dates"; to the Committee on Finance.

HOUSE CALENDAR

SECOND READING

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

Com. Sub. for H. B. 2397, Authorizing a county commission to temporarily fill vacancies in certain offices,

Com. Sub. for H. B. 2414, Conveying property to a nonprofit,

H. B. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors,

And,

Com. Sub. for H. B. 2747, Relating to Open Governmental Proceedings.

FIRST READING

Com. Sub. for H. B. 2567, Relating to limited partnerships; on first reading, coming up in regular order, was read a first time and ordered to second reading,

At 11:39 A.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, March 13, 2013.

WEDNESDAY, MARCH 13, 2013

TWENTY-NINTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, March 12, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Delegate Miley, 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. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed,

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

Delegate Miley, 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. 2497, Requiring applicants for licenses for original brokers, associate brokers or sales persons to agree to finger printing and criminal history record checks,

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

Com. Sub. for H. B. 2497 - "A Bill to amend and reenact §30-40-11 of the Code of West Virginia, 1931, as amended, relating to application for a real estate license; requiring applicants for real estate licensure to undergo criminal history record checks; declaring the criminal history record check requirement is not against public policy; requiring applicants to submit fingerprints for the criminal history record check; requiring applicants to authorize the use of fingerprints to conduct the criminal history record check; prohibiting the release of criminal history records except in certain limited circumstances; declaring that criminal history records are not subject to the Freedom of Information Act; requiring the applicant to ensure that the criminal history record check is completed within ninety days of licensure application; requiring the applicant to pay the actual costs of the criminal history record check; requiring the commission to promulgate a legislative rule to make the procedures and requirements consistent with federal standards before implementing the requirement for criminal history record checks; and requiring the commission to issue a license to an attorney in good standing,"

H. B. 2603, Relating to the Family Protection Services Board,

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

Com. Sub. for H. B. 2603 - "A Bill to repeal §48-26-404, §48-26-405, §48-26-601, §48-26-602, §48-26-901, §48-26-902, §48-26-1003, §48-26-1005, §48-26-1006 and §48-26-1007 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-26-202, §48-26-203, §48-26-204, §48-26-205, §48-26-206, §48-26-301,

§48-26-401, §48-26-402, §48-26-403, §48-26-406, §48-26-603, §48-26-604, §48-26-701, §48-26-1001, §48-26-1002 and §48-26-1004 of said code; and to amend said code by adding thereto nine new sections, designated §48-26-207, §48-26-208, §48-26-209, §48-26-210, §48-26-211, §48-26-212, §48-26-213, §48-26-214 and §48-26-407, all relating to the Family Protection Services Board; revising definitions; adding definitions; revising qualifications for membership on the board; adding two new members to the board; clarifying that the two ex officio members have voting privileges; providing for appointments for unexpired terms; providing appointments for members who become disqualified; clarifying the board's powers and duties; authorizing legislative rules; increasing the percentage of board funds that may be used for administrative functions; authorizing the board to develop formulas to direct funds to certain programs; prohibiting programs from falsely representing that they are licensed; authorizing the board to develop preliminary and full application forms; providing for conditional, provisional and full licenses; authorizing the board to issue licenses for up to three years; updating provisions related to the closure of programs; authorizing the board to issue notices to cease and desist; setting forth procedures for hearings and appeals; clarifying the uses of the Domestic Violence Legal Services Fund; requiring programs to report annually to the board; updating confidentiality protections for programs participants; and including provisions related to monitored parenting and exchange programs,"

H. B. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system,

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

Com. Sub. for H. B. 2762 - "A Bill to amend and reenact §33-12B-1 and §33-12B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-12B-4a, all relating to insurance; licensure of insurance

adjusters; definitions, including a definition of 'automated claims adjudication system'; providing exemptions for certain individuals from producer or adjuster licensure in this state; and providing exemptions for certain individuals from adjuster licensure in this state and licensing residents of other countries in this state,"

And,

H. B. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner,

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

Com. Sub. for H. B. 2819 - "A Bill to amend and reenact §33-31-16a of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-40-3 of said code, all relating to the financial oversight of entities regulated by the Insurance Commissioner; requiring captive insurance companies organized as risk retention groups to comply with risk-based capital for insurers' provisions and state rules; and incorporating a solvency trend test for property and casualty insurance companies,"

With the recommendation that the committee substitutes each do pass.

Delegate Morgan, 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. 2641, Board of Social Work, code of ethics,

And,

H. B. 2707, Board of Social Work, fee schedule,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2641 and H. B. 2707) were each referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2639, Board of Social Work, rule relating to applications,

H. B. 2640, Board of Social Work, continuing education for social workers and providers,

H. B. 2646, Board of Architects, registration of architects,

H. B. 2706, Board of Social Work, qualifications for the profession social work,

And,

H. B. 2750, Updating and revising the law governing the practice of dentistry,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2639, H. B. 2640, H. B. 2646, H. B. 2706 and H. B. 2750) were each referred to the Committee on the Judiciary.

Delegate Miley, 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. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2805) was referred to the Committee on Finance.

Delegate Miley, 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. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act",

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

Com. Sub. for H. B. 2046 - "A Bill to amend the Code of West Virginia, 1931, as amended, relating to requiring wireless telecommunications carriers to provide location information to law-enforcement agencies in emergencies; permitting wireless communications carriers to establish protocols for disclosure of location information in an emergency; limiting liability of wireless communications carriers when acting in good faith; requiring wireless telecommunications carriers and resellers to provide emergency contact information; requiring the West Virginia State Police to maintain emergency contact database; and granting rule-making authority,"

H. B. 2108, Making the offense of failure to wear safety belts a primary offense,

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

Com. Sub. for H. B. 2108 - "A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-14-15,of said code, all relating to the operation of motor vehicles; making the offense of failure to wear safety belts a primary offense; and prohibiting denial of insurance coverage for prohibited use of electronic communications devices while driving,"

And,

H. B. 2171, Relating to review of state administrative agency rule-making,

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

Com. Sub. for H. B. 2171 - "A Bill to amend and reenact §29A-1-2 and §29A-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §29A-3-1a, §29A-3-4, §29A-3-6, §29A-3-8, §29A-3-15, §29A-3-15a and §29A-3-15b of said code; and to amend said code by adding two new sections, designated §29A-3-1c and §29A-3-9a, all relating to review of State Administrative Agency rule-making; defining terms; altering designation of types of rules that have not been approved by the Legislature and that are exempt from legislative review; establishing deadline for action by agency action for certain proposed rules before the rule is deemed withdrawn; requiring agency response to public comments; requiring all sections of a rule be filed when agency proposing rule amendment; providing for methodology for repeal of rules; establishing new publishing and rule-making requirements for certain Department of Health and Human Services policy manuals; revising emergency rule-making process to allow for public comment, more information, and extended comment period; providing new process for provisional legislative rules; and altering certain agency filing requirements,"

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2847, Relating to the collection of delinquent real property and personal property taxes,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2847) to the Committee on Finance was abrogated.

Delegate Miley, 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. 2393, Making it a criminal offense for any person to intentionally interfere with or prevent an individual from calling for the assistance of emergency service personnel,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2393) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 386 - "A Bill to amend and reenact §53-8-4 of the Code of West Virginia, 1931, as amended, relating generally to personal safety orders; clarifying the grounds for issuance of a personal safety order for harassment; and establishing venue for issuance of a personal safety order"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 387 - "A Bill to amend and reenact §51-2A-7 of the Code of West Virginia, 1931, as amended, relating generally to the powers of family court judges; and granting family court judges the authority to compel and supervise the production of criminal background investigations when appropriate"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 423 - "A Bill to amend and reenact §31-20-5d of the Code of West Virginia, 1931, as amended, relating to providing persons convicted of a criminal offense and sentenced to a six-month confinement in a regional jail a reduction in sentence for successful completion of education and rehabilitation programs"; which was referred to the Committee on the Judiciary then Finance.

RESOLUTIONS INTRODUCED

Delegates Marcum, White, Perdue, Moore and Mr. Speaker, Mr. Thompson, offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 73 - "Requesting the Division of Highways to rename bridge number 30-3/5-21.47 on County Road 3/5 in Mingo County, West Virginia, currently known as Board Camp Branch Bridge, the 'Nancy E. May Memorial Bridge'."

WHEREAS, Nancy E. May was a lifelong resident of Mingo County, West Virginia; and

WHEREAS, Nancy E. May died in February 2010; and

WHEREAS, During her long life, Nancy E. May personified the quality of woman who serves as the foundation of her family and her community; selflessly and unrelentingly providing the love, support, encouragement and conviction in the worth of humanity that gives rise to an environment in which men and women can learn, love, grow to their full potential, become our nation's leaders and soldiers and experience satisfaction in all their endeavors, in other words, the quality of woman without whom our state and nation would not know its current form; and

WHEREAS, Nancy E. May was a devoted and nuturant wife of thirty-five years, raised three children and had seven grandchildren, all of whom she could not have loved more and by whom she continues to be sorely missed; and

WHEREAS, Nancy E. May served as a Sunday school teacher for twenty-five years, tirelessly teaching children and, then, their children, the value she believed essential to our lives which, in a nutshell, is to love one another; and

WHEREAS, Nancy E. May was an avid volunteer and community servant, continually working to advance the needs of her local community in Breeden, Mingo County, West Virginia always believing that through giving to others she received much more than she gave; and

WHEREAS, Nancy E. May was loved dearly by everyone who knew her and will be missed always; and

WHEREAS, While Nancy E. May is no longer on this earth and can no longer personally serve to foster the good, the loving and the beautiful, she lives on through her children, her grandchildren and the many, many lives she has touched and aided; and

WHEREAS, It is a small act, indeed, to name a bridge in Nancy E. May's memory, an honor but an act, nevertheless, that acknowledges her enormous contributions and recognizes that without her life and, symbolically, the lives of women like her, what a different, less prosperous, less successful, less loving and wise world this would be; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways rename bridge 30-3/5-21.47 on County Road 3/5 in Mingo County, West Virginia, currently known as the Board Camp Branch Bridge, the "Nancy E. May Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs which identify the bridge, in bold and prominent letters, as the "Nancy E. May Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the children of Nancy E. May who are Robbie May, Brian May and Crissy Dalton and, also, to the Secretary of the Department of Transportation.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Reynolds, Stowers, Campbell, Eldridge, R. Phillips, Tomblin, E. Nelson, Andes, Craig, White and P. Smith:

H. J. R. 32 – "Proposing an amendment to the Constitution of the State of West Virginia, amending sections four and sixteen, article VII thereof, all relating to how a vacancy in the governorship is filled and

that a person filling that vacancy is eligible to serve two consecutive elected terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

BILLS INTRODUCED

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

By Delegate Canterbury:

H. B. 2917 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11A-12b, relating to making it an unfair trade practice to refuse to refill a propane gas tank; and providing that the criminal penalties of the Unfair Trade Practices article apply"; to the Committee on the Judiciary.

By Delegates Ferns, Miley, Hartman, Guthrie, Moore, Manchin, Ferro, Marcum, Sponaugle, Sobonya and Storch:

H. B. 2918 – "A Bill to repeal §33-4-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-1-22; to amend and reenact §33-4-8 of said code; to amend and reenact §33-15-4d and §33-15-14 of said code; to amend said code by adding thereto a new section, designated §33-15-22; to amend and reenact §33-16-3h and §33-16-10 of said code; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto three new sections, designated §33-16D-17, §33-16D-18 and §33-16D-19; to amend and reenact §33-24-7c and §33-24-43 of said code; to amend said code by adding thereto a new section, designated §33-24-7l; to amend and reenact §33-25-8b of said code; to amend said code by adding thereto a new section, designated §33-25-8i; to amend and reenact §33-25-20; to amend and reenact §33-25A-8b of said code; to amend said code by adding thereto a new section, designated §33-25A-8k; to amend and

reenact §33-25A-31 of said code; and to amend said code by adding thereto two new sections, designated §33-28-8 and §33-28-9, all relating to creating the West Virginia Fair Health Insurance Act of 2013; defining 'illusionary benefit' to require benefits to cover at least seventy-five percent of health care service; establishing reasonable copays among common insurance needs; preventing insurance companies from discriminating against licensed health care practitioners to whom they will pay for a covered service; preventing insurance companies from arbitrarily defining medically necessary rehabilitation services to avoid making payment for a covered service or for a service that should be covered; making physical therapy and rehabilitation services a mandated covered service for any health insurance plan; and increasing the monetary criminal penalty for insurance companies that violate any provisions of the chapter"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Stowers, M. Poling, Perry, Eldridge, Williams, Ferns and Barrett:

H. B. 2919 – "A Bill to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-4 of said code, all relating to increasing the amount of compensation a member of a county board of education may receive for attending certain meetings; increasing by $100 the amount a board member may receive for attending regional education council meetings if he or she also serves on that council; increasing by $40 the amount board members may receive for each board meeting attended; permitting board members to also be compensated at the same rate for other specific meetings attended; establishing a maximum number of compensable meetings; and permitting board members to be compensated for attending a maximum of six days of approved training classes"; to the Committee on Education then Finance.

By Delegates Faircloth, Tomblin, R. Phillips, Hamilton, Kump, Folk, J. Nelson, Miller and Howell:

H. B. 2920 – "A Bill to amend and reenact §18-5-15b of the Code of West Virginia, 1931, as amended, relating to clarifying that the

Pledge of Allegiance said each instructional day in West Virginia public schools shall include the phrase 'one nation under God'"; to the Committee on Education then the Judiciary.

By Delegate Canterbury:

H. B. 2921 – "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to consumers sales tax on motor vehicles; exemptions; and providing an exemption on sales of motor vehicles using natural gas or dual purpose motor vehicles using a combination of gasoline and natural gas as fuel"; to the Committee on Roads and Transportation then Finance.

By Delegates Householder, D. Evans, J. Nelson, Espinosa, Hamrick, Cadle, Cooper, Arvon, Overington, R. Smith and Raines:

H. B. 2922 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorization for veterans vanity registration plates for motorcycles"; to the Committee on Roads and Transportation then Finance.

By Delegates Moore, Hartman, E. Nelson, Ferns and Ashley:

H. B. 2923 – "A Bill to amend and reenact §31A-4-8 of the Code of West Virginia, 1931, as amended, relating to directors of state-chartered banking institutions; providing an alternate means of meeting the residency requirement for a majority of the directors of a state-chartered banking institution"; to the Committee on Banking and Insurance then Finance.

By Delegate Canterbury:

H. B. 2924 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-16, relating to authorizing counties to create urban growth boundaries; definition; and providing for implementation of zoning within these boundaries"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Canterbury:

H. B. 2925 – "A Bill to amend and reenact §24-2D-2 of the Code of West Virginia, 1931, as amended, relating to alternative fuel initiatives; and requiring the Public Service Commission to authorize natural gas utility companies to invest in natural gas compression equipment to be installed in residential property for compressed natural gas fueling of automobiles but without authority to make rates for compressed natural gas fueling of these automobiles"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Government Organization.

By Delegates Longstreth, M. Poling, Staggers, Caputo, Manchin, Manypenny and Fleischauer:

H. B. 2926 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §33-15-22; to further amend said code by adding thereto a new section, designated §33-16-18; to further amend said code by adding thereto a new section, designated §33-24-15; to further amend said code by adding thereto a new section, designated §33-25-15; and to further amend said code by adding thereto a new section, designated §33-25A-29, all relating to requiring health insurers to reimburse ambulance service providers directly for ambulance services covered under a person's health insurance policy, plan or contract"; to the Committee on Health and Human Resources then Finance.

By Delegates Barrett, Skinner, Householder, Reynolds, Stowers, Young, Lynch, Diserio, Eldridge and Barill:

H. B. 2927 – "A Bill to amend and reenact §11A-2-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-3-2 of said code, all relating to publication of list of delinquent real estate; allowing the sheriff to mail the delinquent tax list; eliminating the requirement of a second publication of list of delinquent real estate and replacing it with a notice explaining a taxpayer's obligation for delinquent real estate taxes, the sheriff's obligation with regard to the taxes and how and where to locate

delinquent real estate tax information"; to the Committee on the Judiciary then Finance.

HOUSE CALENDAR

THIRD READING

Com. Sub. for H. B. 2397, Authorizing a county commission to temporarily fill vacancies in certain offices; 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. 23)**, 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: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2397) 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. 2414, Conveying property to a nonprofit; 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. 24)**, and there were—yeas 82, nays 16, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Ambler, Butler, Cadle, Canterbury, Ellington, Espinosa, Faircloth, Folk, Gearheart, Hamilton, Householder, Howell, Kump, E. Nelson, R. Smith and Sobonya.

ABSENT AND NOT VOTING: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2414) 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. 2729, Allowing schools to voluntarily maintain and use epinephrine auto-injectors; 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. 25)**, 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: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2729) passed.

An amendment to the title of the bill, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2729 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22c, relating to epinephrine auto-injectors; allowing schools to voluntarily maintain and use epinephrine auto-injectors; providing for the administration of an auto-injector by a school nurse or other trained and authorized nonmedical school personnel for emergency care or treatment of anaphylactic reactions; allowing the issuance of standing orders and protocols by physicians to schools to obtain epinephrine auto-injectors; setting forth notice requirements; allowing students who self-inject to use the school supply of epinephrine auto-injectors; setting forth immunity from liability for school nurses and trained and authorized nonmedical school personnel; allowing county school boards to participate in free or discounted manufacturer sponsored

pharmaceutical programs to obtain epinephrine auto-injectors; providing for data collection and reporting requirements; and setting forth rule-making authority to effectuate the provisions of the section."

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. 2747, Relating to Open Governmental Proceedings; 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. 26)**, and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Shott.

ABSENT AND NOT VOTING: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2747) 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. 2567, Relating to limited partnerships; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

S. B. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Fragale and D. Poling.

At 11:54 A.M., the House of Delegates adjourned until 11:00 A.M., Thursday, March 14, 2013.

THURSDAY, MARCH 14, 2013

THIRTIETH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 13, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

RESOLUTIONS INTRODUCED

Delegates Hamrick, Miley, Iaquinta, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Border, Butler, Cadle, Canterbury, Cowles, Ellem, Espinosa, D. Evans, Gearheart, Howell, Kump, Lane, McCuskey, E. Nelson, Overington, Pasdon, Raines, Shott, R. Smith, Storch, Sumner, Walters, Westfall and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 74 - "Requesting that bridge number 17-270-1.33 on Route 270 in Lost Creek, Harrison County, West Virginia, be named the 'USMC LCpl. David Lee Powell Memorial Bridge'."

WHEREAS, LCpl. David Lee Powell was born on April 28, 1949, in Harrison County, West Virginia, the son of the late Earl and Dorothy Powell of Lost Creek, Harrison County; and

WHEREAS, LCpl. David Lee Powell attended Unitis and South Harrison High Schools in Harrison County; and

WHEREAS, LCpl. David Lee Powell enlisted in the United States Marines on May 3, 1966, and began his tour of duty in Vietnam on October 24, 1967, as a member of K Company, 3rd Battalion, 4th Marines, 3rd Marine Division; and

WHEREAS, LCpl. David Lee Powell was one of three brothers, all of whom served in the United States Marines during the war in Vietnam; and

WHEREAS, LCpl. David Lee Powell was killed on June 23, 1968, by hostile fire in the Quang Tri Province of South Vietnam; and

WHEREAS, LCpl. David Lee Powell gave the ultimate sacrifice for his country and it is fitting and proper that he be remembered and acknowledged for his courageous action and service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-270-1.33 on Route 270 in Lost Creek, Harrison County, the "USMC LCpl. David Lee Powell Memorial Bridge"; and, be it

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

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

Department of Transportation and to the surviving family of Lance Corporal David Lee Powell.

Delegates Iaquinta, Longstreth, Fragale, Paxton, Miley, Armstead, Manchin, O'Neal, Azinger, Hamrick and Boggs offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 75 - "Requesting the Division of Highways name bridge number 17-79-114.9 over Elk Creek in Harrison County the 'USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge'."

WHEREAS, Brothers Jack Wayne Wade and Don Edgar Wade were born on December 29, 1925 and November 13, 1929, respectively, and were two of the nine children of the late Arlie Ray Wade and Nellie Hennen Wade; and

WHEREAS, Jack and Don "Donnie" Wade grew up along West Virginia Route 20 near the old swinging bridge at Walnut Hill in Harrison County and were members of a good, hard-working family of modest, but hard-earned means; and

WHEREAS, Seaman Second Class Jack Wayne Wade enlisted in the United States Navy Reserves December 21, 1943 during World War II and was stationed on the USS Birmingham; and

WHEREAS, On October 24, 1944, the cruiser Birmingham was engaged in what is known as the Battle of Leyte Golf, in the South Pacific, where she suffered great topside damage from explosions on board the carrier Princeton while courageously attempting to aid that stricken vessel, and as a result of the events of that day, the USS Birmingham suffered 233 killed, 426 wounded, including the loss of S2C Jack Wayne Wade, whose duty station was a gun tub on the topside of the ship; and

WHEREAS, Although the exact details of his death and burial remain unknown, records indicate that Jack Wayne Wade was buried

at sea in the Leyte Gulf. A Memorial at Fort William McKinley, Manila, the Philippines lists Jack Wayne Wade as MIA/Buried at Sea and as a recipient of the Purple Heart Medal, and a memorial was placed on December 4, 1995 at the West Virginia National Cemetery in Grafton, West Virginia; and

WHEREAS, Brother Don Edgar "Donnie" Wade enlisted in the United States Marine Corp and completed basic training at Parris Island, South Carolina and was later assigned to Company F, 2nd Battalion, 7th Marine Regiment, 1st Marine Division stationed in Korea in July 1952; and

WHEREAS, PFC Donnie Wade was mortally wounded while on combat patrol in the Battle Zone known as the Jamestown Line, Western Outposts, Korea on October 2, 1952, from small arms fire and was evacuated to the USS Repose, where he died from his wounds two days later on October 4, 1952 and was laid to rest in the Elkview Masonic Cemetery in Clarksburg, West Virginia; and

WHEREAS, Donnie Wade is remembered by his contemporaries who were acquainted with him in their youth near Quiet Dell, as a likeable, engaging and free-spirited person who has been since that fateful day in 1952 "forever young"; and

WHEREAS, The ultimate sacrifice made by these two brothers, S2C Jack Wayne and PFC Don Edgar Wade, in service to their country, their state, their community, family and friends should be memorialized in the community in which they were raised and were known and are remembered; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-79-114.9 on I-79 over Elk Creek in Harrison County the "USN S2C Jack Wade and USMC PFC Don Wade 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 "USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the families of Jack Wayne Wade and Don Edgar Wade and the Secretary of the Department of Transportation.

Delegates Fleischauer, Marshall, Barill, Longstreth, Pasdon, Manchin, Pethtel, Caputo, Manypenny, Marcum, Ambler, Arvon, Ashley, Azinger, Barrett, Border, Cadle, Campbell, Canterbury, Cooper, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, Faircloth, Ferns, Ferro, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquinta, Ireland, Jones, Lawrence, Lynch, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, Overington, Paxton, Perdue, Perry, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, White and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 76 - "Requesting the Division of Highways to name bridge number 31-119/39-0.12 crossing over Deckers Creek in Morgantown, Monongalia County, the 'John W. Pyles Bridge'."

WHEREAS, John W. Pyles has devoted fifty-three years of his life in service to Monongalia County and the community of Morgantown; and

WHEREAS, John W. Pyles, as an elected representative of the West Virginia House of Delegates, worked tirelessly to better the quality of life in Monongalia County and Morgantown; and

WHEREAS, John W. Pyles served as the leader of the Democratic Party and Assessor of Monongalia County and then was elected as a member of the county commission; and

WHEREAS, John W. Pyles volunteered his time and talents serving in many capacities on Morgantown and Monongalia County boards and committees such as the United Way of Monongalia and Preston Counties, Monongalia County Development Authority, Metropolitan Foundation Board, Morgantown Convention and Visitors Bureau, Main Street Morgantown, Monongalia County Historical Landmarks Committee and the Greater Morgantown Community Trust; and

WHEREAS, John W. Pyles was a founder of the Morgantown Celebration of America Committee to observe the birth of our great nation on July 4 with special recognition of veterans and other community members who worked faithfully in service to America; and

WHEREAS, John W. Pyles proposed and obtained funding for the Veterans Plaza at the Monongalia County Court House Square that recognizes veterans of all wars; and

WHEREAS, John W. Pyles spearheaded the renaming of South University Avenue in Morgantown as Don Knotts Boulevard and is currently working to place a statue of Don Knotts on the Boulevard; and

WHEREAS, John W. Pyles, in 1998, worked with Governor Cecil Underwood to gain state funding to replace the South High Street Bridge when it fell into complete disrepair; and

WHEREAS, It is only fitting that we honor John W. Pyles for his commitment, dedication and public service to Morgantown, Monongalia County and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 31-119/39-0.12 crossing over Deckers Creek in Morgantown, Monongalia County, the "John W. Pyles 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 "John W. Pyles Bridge"; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Kump, Faircloth, Romine, Gearheart, Householder, Folk, Cooper, Lynch and R. Smith:

H. J. R. 33 – "Proposing an amendment to the Constitution of the State of West Virginia, repealing section forty-six, article VI thereof; and amending article IX thereof by adding thereto a new section, designated section fourteen, all relating to the sale and distribution of alcohol; transferring authority to regulate sale and distribution of alcohol to county commissions or councils; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

Delegates Ferns, Barill, Barrett, Boggs, Campbell, Caputo, Diserio, Eldridge, Ferro, Frich, Hartman, Hunt, Jones, Lawrence, Longstreth, Lynch, Manypenny, Marcum, Marshall, Miley, Moore, Morgan, Perry, Pethtel, R. Phillips, Pino, Reynolds, Skinner, Sobonya, Sponaugle, Staggers, Stowers, Swartzmiller, Westfall and White offered the following resolution, which was read by the Clerk as follows:

H. R. 22 - "Designating Thursday, March 14, 2013, as 'Generation West Virginia Day'."

WHEREAS, Generation West Virginia is the statewide movement committed to cultivating and engaging young talent, those 21 to 45; and

WHEREAS, The future of West Virginia relies heavily on the retention, recruitment, and advancement of young talent to ensure that our intellectual capital base is strong for the future success of our state's economy, communities and intellectual infrastructure; and

WHEREAS, This collaborative and dynamic group of young talent within Generation West Virginia is creating an outstanding positive image within our state and on the national level by serving as a model for promoting young leaders and making our state a destination for young talent; and

WHEREAS, Generation West Virginia is an innovative, results oriented, and dedicated organization that represents young talent from all walks of life, careers, communities who are committed to a positive and strong present and future for our great state; and

WHEREAS, Those 21 to 45 years of age in West Virginia include more than 600,000 of our state's population and represent our state's future base of workers, dreamers, innovators, educators, entrepreneurs, leaders and most importantly our hope for a successful future; and

WHEREAS, These young leaders are not just the future of our state, but the rising leaders of today who are making it possible for West Virginia to compete successfully with the world; and

WHEREAS, By working to make our state attractive for young talent, steps are being taken to encourage a "brain gain" for West Virginia that will build a strong future for our state to become a global leader; and

WHEREAS, The House recognizes the importance of this growing movement and will listen and collaborate with its leadership and regional organizations to develop positive solutions and opportunities to create an abundance of prosperity in our state; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates Thursday, March 14, 2013, as "Generation West Virginia Day" and encourages all citizens to join the House of Delegates in this observance; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the representatives of Generation West Virginia.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 22) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegates Howell, A. Evans, Rowan, Anderson, Ashley, Azinger and Overington offered the following resolution, which was read by the Clerk as follows:

H. R. 23 - "Commemorating the life of the Honorable Carl C. Thomas, veteran, public servant, and a man dedicated to his family, country and state."

WHEREAS, The Honorable Carl C. Thomas was born on May 10, 1934, in Roxboro, Orange County, North Carolina, the son of the late Virgil Carl and Sally Sue Thomas; and

WHEREAS, Carl C. Thomas was a United States Army veteran and a graduate of American University; and

WHEREAS, Carl C. Thomas was a retired Captain with the United States Park Police having served in Washington, D. C., Hawaii, San Francisco and Mount Rushmore; and

WHEREAS, In 1983, Carl moved to Short Gap, West Virginia, where he helped set up the Mineral County E-911 system. He particularly enjoyed driving dispatchers around the county so that they would have an idea of where they would be sending help. This experience was helpful to Carl in his future endeavors; and

WHEREAS, Prior to his election to the House of Delegates in 1994, the Honorable Carl C. Thomas was the Sheriff of Mineral County and following his decision not to seek reelection to the House in 1998, he ran for and was elected Mineral County Clerk; and

WHEREAS, Carl C. Thomas was a member of numerous organizations including the Keyser American Legion, Ridgeley VFW,

Frankfort District Historical Society, Davis Lodge #51, Keyser, NARF-National Association of Retired Federal Employees, Lions Club, Fraternal Order of Police, and was a life member of the D.C. Police Association and a member of the West Virginia Sheriff's Association. He was also a past member of the Short Gap Volunteer Fire Department and the Mineral County Republican Executive Committee; and

WHEREAS, The Honorable Carl C. Thomas was called to his heavenly home and place of rest on June 14, 2012; and

WHEREAS, Carl C. Thomas is survived by his wife of 53 years, Loretta Thomas, and his daughter, Karen S. Thomas, son, Michael C. Thomas, and two granddaughters, Kaitlynn A. and Kristyn A. Thomas; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby commemorates the life of the Honorable Carl C. Thomas, public servant, veteran, and a man dedicated to his family, state, and country; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable Carl C. Thomas; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable Carl C. Thomas.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 23) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 14, Amending the Rules of the House of Delegates, relating to requiring that a Jobs Impact Statement be attached to proposed legislation affecting employment or taxes,

And reports the same back with the recommendation that it be rejected.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 40, The "Estel R. Stacy World War II Navy Veteran Memorial Bridge",

H. C. R. 44, Requesting a study on the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia,

H. C. R. 48, The "Albert & Peggie Maynard Memorial Bridge",

H. C. R. 60, The "Williams S. (Bill) Croaff Memorial Bridge",

And,

H. C. R. 65, The "Jimmie Stewart Pauley Memorial Bridge",

And reports the same back with the recommendation that they each be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 27, The "Army SSGT Arthur N. McMellon Memorial Bridge",

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

Com. Sub. for H. C. R. 27 - "Requesting that bridge number 322-10-28.14 on West Virginia Route 10, crossing the Guyandotte River, currently known as the 'West Hamlin Bridge' in Lincoln County, West Virginia, be named the 'Army SSGT Arthur N. McMellon Memorial Bridge'",

H. C. R. 28, The "Dedicated to the Pound Punchers, Melissa Ferrell, Founder, Highway",

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

Com. Sub. for H. C. R. 28 – "Requesting the Division of Highways to name a two-mile section of County Route 62 in Alkol, Lincoln County, beginning at the intersection of County Routes 62 and 46, and heading east along Route 62 for two miles the 'Mud River Pound Punchers Highway'."

H. C. R. 41, The "Cornelius Nebo Lackey Memorial Bridge",

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

Com. Sub. for H. C. R. 41 – "Requesting the Division of Highways to name the bridge located at Lenore, Mingo County, West Virginia, Route 65 milepost 19.63, which was built in 1947, specifically bridge number 1652, the 'US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge'."

And,

H. C. R. 57, The "Fire Chief Lyle Ware Memorial Bridge",

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

Com. Sub. for H. C. R. 57 – "Requesting that bridge number 42-219-12.59 on U. S. Route 219 across the Tygart River at Elkwater, Randolph County, West Virginia, be named the 'Fire Chief Lyle Ware Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted.

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

Your Committee on Education has had under consideration:

H. B. 2861, Relating to continued enrollment of at-risk student in public school,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2861) to the Committee on Finance was abrogated.

Delegate Skaff, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2519) was referred to the Committee on Finance.

Delegate Skaff, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2182, Creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2182) was referred to the Committee on Finance.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2837, Amending various provisions of the Code affecting the Treasurer's Office,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2837) was referred to the Committee on Finance.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2896, Relating to municipal policemen and firemen pensions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2896) was referred to the Committee on Finance.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2733, Relating to hearings before the Office of Administrative Hearings,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2733) was referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2812, Relating to the valuation of motor vehicles for purposes of ad valorem property taxes,

And,

H. B. 2879, West Virginia Commuter Rail Access Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2812 and H. B. 2879) were each referred to the Committee on Finance.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2859, Authorizing the Commissioner to issue no more than ten additional special demonstration plates used by new and used dealers of larger commercial type vehicles,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2859) was referred to the Committee on Finance.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2851) was referred to the Committee on Finance.

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

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

H. B. 2491, Establishing a uniform policy for students enrolled in institutions of higher education who are called up for duty in the military,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2491) was referred to the Committee on Education.

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

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

H. B. 2895, Requiring display of POW/MIA flag on county courthouses and other government buildings,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2895) was referred to the Committee on Finance.

Delegate Craig, Chair of the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration:

H. B. 2632, Division of Natural Resources, prohibitions when hunting and trapping,

H. B. 2635, Division of Natural Resources, special fishing,

And,

H. B. 2686, Division of Natural Resources, deer hunting,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2632, H. B. 2635 and H. B. 2686) were each referred to the Committee on the Judiciary.

Delegate Craig, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration:

H. B. 2687, Division of Natural Resources, legislative rule relating to falconry,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2687) was referred to the Committee on the Judiciary.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent,

H. B. 2628, Department of Health and Human Resources, regulation of opioid treatment programs,

H. B. 2693, Board of Pharmacy, ephedrine and pseudoephedrine control,

H. B. 2697, Board of Examiners for Registered Professional Nurses, services rendered by the board and supplemental renewal fee for the center for nursing,

H. B. 2699, Board of Examiners for Registered Professional Nurses, announcement of advanced practice,

And,

H. B. 2700, Board of Examiners for Registered Professional Nurses, relating to limited prescriptive authority for nurses in advanced practice,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2463, H. B. 2628, H. B. 2693, H. B. 2697, H. B. 2699 and H. B. 2700) were each referred to the Committee on the Judiciary.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2583, Establishing a regulatory system for sexual assault forensic examinations,

And,

H. B. 2755, Relating to certified professional midwives.

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

In accordance with the former direction of the Speaker, the bills (H. B. 2583 and H. B. 2755) were each referred to the Committee on the Judiciary.

Delegate Skaff, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2590) was referred to the Committee on the Judiciary.

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. 200 - "A Bill to amend and reenact §62-1E-1, §62-1E-2 and §62-1E-3 of the Code of West Virginia, 1931, as amended, all relating to eyewitness identification, lineups and showups; defining terms and updating definitions; establishing certain recommended procedures before a lineup or showup; setting forth additional instructions to be given prior to a lineup or showup; expanding eyewitness identification procedures; recommending all lineups to be conducted in a sequential and blind manner; expressing a legislative preference for lineups over showups; prohibiting photographic showups; eliminating a task force that is no longer active; and requiring each law-enforcement agency performing lineups or showups to create specific procedures for conducting lineups and showups"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 372 - "A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating a criminal offense for interfering with or preventing a person from calling for assistance of emergency service personnel; and establishing penalties"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 8 - "Requesting the Division of Highways to name the portion of Route 38, from its intersection at Route 16 to its intersection at Route 61, in Fayette County, West Virginia, the 'Sizemore Moran Veterans Memorial Road'."

WHEREAS, Jackson Douglas Sizemore, Phillip Sizemore, Arthur Sizemore, Fred Sizemore, Ralph Sizemore and Harry Moran, the sons and son-in-law of Mr. and Mrs. Phillip Sizemore, Sr., of Oak Hill, West Virginia, all served their country admirably in the United States armed forces; and

WHEREAS, Jackson Douglas Sizemore enlisted in the Army on August 2, 1939, and was stationed on the Island of Oahu, Hawaii, where he served during the attack on Pearl Harbor; and

WHEREAS, Phillip Sizemore, Jr., enlisted in the Navy on September 29, 1942, and after being stationed in California served his country in the South Pacific; and

WHEREAS, Arthur Sizemore enlisted in the Navy on September 17, 1941, where he was assigned to the Naval Cook and Bakers' School at Norton Heights, Connecticut, and went on to serve for more than two years in the Caribbean; and

WHEREAS, Fred Sizemore enlisted in the Navy on September 20, 1940, served on the U. S. S. Phoenix, a cruiser with the Pacific fleet, and battled the Japanese during the invasion of Pearl Harbor; and

WHEREAS, Ralph Sizemore enlisted in the Navy on September 14, 1943, was assigned to the United States Naval Air Technical Training Center in Chicago, served all over the Pacific and fought in the Battle of Leyte Gulf; and

WHEREAS, Harry Moran, brother-in-law of the Sizemore brothers, enlisted in the U. S. Army Air Corps, received his basic training at Aberdeen Proving Grounds in Maryland, was a member of the Flying Tigers and went on to serve his country in Asia; and

WHEREAS, Jackson Douglas Sizemore, Phillip Sizemore, Arthur Sizemore, Fred Sizemore, Ralph Sizemore and Harry Moran did a great service to their country in time of conflict and war, and will always be remembered for their service; and

WHEREAS, It is fitting and proper to create a lasting tribute in honor of the Sizemore-Moran brothers for their dedicated service to their country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of Route 38, from its intersection at Route 16 to its intersection at Route 61, in Fayette County, West Virginia, the "Sizemore Moran Veterans Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the route as the "Sizemore Moran Veterans Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to Arthur and Ralph Sizemore.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 10 - "Requesting the Division of Highways to name the Atenville Beam Span Bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68, bridge number 22-10-6.54, the 'Shelton Topping Bridge'."

WHEREAS, Shelton Topping was born May 11, 1926. He has been married to Edith Maynard Topping for sixty-two years. They had three children, eight grandchildren and ten great grandchildren. He is an elder at 14 Mile Church of Christ and an upstanding member of the Harts Community. He is a World War II veteran, joining the Army in November 1944, at seventeen years old. He was awarded the Bronze

Star, badges for Marksmanship, the Combat Infantry and a European African Middle Eastern campaign ribbon. Additionally, he has the Honor Service Lapel, commonly known as the ruptured duck. Shelton Topping says the reason for joining the Army was "There were six boys in our family and five of them were in the service. My older brother told me I'd better join up soon, or the war would be over before I'd get to go in." He was a member of the Third Infantry Division of the Army in Company D. Company D was the oldest outfit in the U. S. Army. It was founded and served under General George Washington during the Revolutionary War. When General Patton died in Europe, in December 1945, Company D served as an Honor Guard at his funeral. Shelton Topping began his military training at Camp Joseph T. Robertson, near Little Rock, Arkansas, was later sent to Fort Meade, Maryland, and then to Camp Shanks in New York before leaving for Europe. He left New York, crossed the English Channel to reach Le Havre, France, and then traveled by train to Germany. In January 1945, the Third Infantry Division had smashed the Colmar pocket and was driving the last German soldier from the area. The division hit the line again in March 1945. The main Siegfried Line positions south of Zweibruecken, Germany, were breached and the Third was on its way to the Rhine River a second time. Light opposition was encountered and on March 23, the division was moved on the Rhine Plain, in the triangle formed by Bad Duerkheim-Frankenthal-Worms to prepare for a crossing of the river. In March, the division was across the Rhine and driving deep into the heart of Germany. The Third's last major battle was at Nuremberg where the Germans put up their last big effort to deal a mortal blow. After three weeks there, the war ended. Shelton Topping's company turned to guarding prisoners of war. They had 4,500 prisoners to guard. They processed the prisoners five hundred men at a time and only eight American soldiers would guard this large group of men. Although he was eighteen at the end of the war, he celebrated his nineteenth and twentieth birthdays overseas. Mr. Topping served as a Special Honor Guard at the United Nations building at the American Embassy in Berlin. The Honor Guard was made up of four soldiers from four countries: The United States,

England, France and Russia. There were eighteen regular guards and four honor guards. In order to be an American Honor Guard, one had to be a Bronze Star recipient. Upon returning to the United States from active duty, Mr. Topping studied for his General Educational Development Test, then attended Marshall University. He taught in a one-room school in Sand Creek, West Virginia, and later at a one room school in Atenville, West Virginia. Because teaching school made it difficult to support a family at that time, he had to quit teaching and go work in the coal mines. He worked for Island Creek Coal Company in Logan County until he retired; and

WHEREAS, The contributions of Shelton Topping to his country, state and community should not go unnoticed. It is fitting to honor Shelton Topping by naming the bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68 for Shelton Topping; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the Atenville Beam Span bridge on Rt. 10, Lincoln County, .1 mile south of South Route 68, bridge number 22-10-6.54, the "Shelton Topping Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Shelton Topping Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation, to Mr. Shelton Topping and to his surviving children and relatives.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 13 - "Requesting the Division of Highways to name the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the 'J. Cecil Jarvis Memorial Bridge'."

WHEREAS, J. Cecil Jarvis was born on May 11, 1949, in Clarksburg, West Virginia, and passed away as a result of a bicycle crash on the bridge over Skin Creek on Skin Creek Road in Lewis County on May 27, 2007; and

WHEREAS, J. Cecil Jarvis grew up in Clarksburg, West Virginia, and graduated from Washington Irving High School; and

WHEREAS, J. Cecil Jarvis graduated from Lehigh University and Vanderbilt Law School; and

WHEREAS, J. Cecil Jarvis practiced for over thirty years with the Clarksburg, West Virginia, law firm of McNeer, Highland, McMunn & Varner; and

WHEREAS, J. Cecil Jarvis was a member of the Bridgeport United Methodist Church of Bridgeport, West Virginia; and

WHEREAS, J. Cecil Jarvis was survived by his wife, Rebecca, his children, Amy, Jennie and Brian, and his grandchildren, John, Nathan, Robert, Cole, Henry and Evelynn; and

WHEREAS, J. Cecil Jarvis served two terms on the Board of Directors of United Hospital Center, was Chairman of the Board for several years and was a leader and champion of the fund raising for and building of the new United Hospital Center Building; and

WHEREAS, J. Cecil Jarvis served on the Board of Directors of the West Virginia United Health System, and was highly instrumental in merging United Hospital Center into the West Virginia United Health System; and

WHEREAS, J. Cecil Jarvis served as President of Clarksburg Publishing Company from 2002 until his passing, publishing the widely circulated *Clarksburg Exponent-Telegram*, and contributing a weekly column based on estate planning and taxation; and

WHEREAS, J. Cecil Jarvis served on the board of the Harrison County Chamber of Commerce and served as President of the Harrison County Bar Association; and

WHEREAS, J. Cecil Jarvis was a strong advocate for healthy living, pursuing athletic and outdoor activities at every opportunity, including hunting, fishing, four Iron Man triathlons and two Boston marathons, the last completed shortly before his passing; and

WHEREAS, It is fitting and proper that J. Cecil Jarvis' life, distinguished career, service to his community and the outstanding example he set for his peers and members of the next generation be honored by naming the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the "J. Cecil Jarvis Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge over Skin Creek on Skin Creek Road in Lewis County, bridge number 21-30-7.25, the "J. Cecil Jarvis Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "J. Cecil Jarvis Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the family of J. Cecil Jarvis.

A message from the Senate, by

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

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

S. C. R. 14 - "Requesting the Division of Highways to name a stretch of highway in Upshur County, West Virginia, on State Route 20 from mile post 26 at the intersection of State Route 20 and U. S. Route 33 to mile post 27, the 'Thomas B. Dunn Memorial Highway'."

WHEREAS, Thomas B. Dunn died April 24, 2012, at the Avow Hospice House in Naples, Florida. He was born January 22, 1943, in Washington, Pennsylvania, a son of the late James Lincoln and Lucille Babbitt Dunn. He married Carol Jean Campbell on July 11, 1964, and they had two daughters, Tracy Cunningham (husband Mark) and Jennifer Fluke (husband Eric) of Buckhannon. In addition to being survived by his widow and daughters, he is survived by two granddaughters, Carson Cunningham and Caroline Fluke, both of Buckhannon; two grandsons, Grant Cunningham and Bryson Fluke, both of Buckhannon; his precious Bichon, Lilly; one brother, Joseph L. Dunn of Washington, Pennsylvania; one sister, Ann Bridges and husband Cliff of Greensboro, North Carolina, and several nieces and nephews; and

WHEREAS, Thomas B. Dunn was an exceptional leader and mentor to many in the community and oil and gas industry. He was respected and loved by many. Mr. Dunn graduated from Trinity High School, Washington, Pennsylvania, Class of 1960, and West Virginia Wesleyan College with a B. A. degree, Class of 1964. He was the third generation in the oil and gas business. In his early years he worked in the field for Union Drilling, Inc., a drilling contractor and producer in the Appalachian Basin. After graduation from college, he worked full time at Union Drilling, Inc., in Buckhannon, as Lease and Right-of-Way Agent, eventually working into the supervision of well completion. He became President of Union Drilling, Inc., in 1972, and held the position until 1987. He founded D-Aspen, Inc., in 1986 and served as president from 1986-1996. He founded Tuscany Gas, LLC, in 1996 and served as a member. He co-founded Phoenix Diversified Ventures, Inc., in

1987 and served as President. He co-founded Phoenix Energy Sales Company in 1995 and served as president; co-founded T and F Operating, Inc., in 1998 and served as President. He co-founded T and F Exploration, LP, in 1998 and served as Limited Partner. At the time of his death he held membership in: Independent Oil and Gas Association of WV (IOGA WV), Pennsylvania Independent Oil and Gas Association (PIOGA), Independent Petroleum Association of America (IPAA), Ohio Oil and Gas Association (OOGA), West Virginia Oil and Natural Gas Association (WVONGA) and the Society of Petroleum Engineers, Inc. He served IOGA WV as past president, as a member of the board of directors and a member of various committees. He served IPAA as Regional Governor, Director, Area Vice President, member of Executive Committee and member of the Board of Governors, Roustabout Club charter member. He served WVONGA as past president, and was a member of the board of directors. He was former Vice President of Virginia Oil and Gas Association; former member of New York State Oil Producers Association, Inc., and actively participated in other states' associations. Thomas B. Dunn served Appalachian Energy Group (AEG) as President for several terms. He was a member of Board of Directors of St. Joseph's Hospital Foundation and a former member of the Board of Trustees of West Virginia Wesleyan College. He was a founding member of Naples National Golf Club and The Old Collier Golf Club both in Naples, Florida. He was involved in Buckhannon/Upshur County, West Virginia, civic organizations, including one of the five who arranged initial broad community funding for the current Upshur County Development Authority. He was a former member of the West Virginia National Guard, Kappa Alpha Order Fraternity and was instrumental in the Buckhannon Parks and Recreational Complex. Thomas B. Dunn was recognized for his service to the industry by oil and gas associations and service to the community. He was the West Virginia Oil and Gas Man of the Year, 1982. He received the West Virginia Wesleyan College Alumni Award, 1982. He was the Buckhannon Business and Professional Women's Club Outstanding

Employer of the Year, 1985. He was one of the two initial recipients of IOGA WV Distinguished Service Gunslinger Award, 1992. And he greeted President George W. Bush upon his arrival at Morgantown Municipal Airport, Morgantown, West Virginia, July 4, 2005; and

WHEREAS, When Thomas B. Dunn died of cancer in Naples, Florida, in April 2012, he left behind invaluable, often unknown contributions to the oil and gas industry, as well as to the Upshur County community. He was a man of boundless generosity, selfless, sacrificing and always smiling. Most of all, he was a wonderful and loving husband, father and grandfather who cherished his family more than anything. The contributions of this man to his community and industry should not go unnoticed; and

WHEREAS, It is fitting to honor Thomas B. Dunn by naming a stretch of highway in Upshur County, West Virginia, on State Route 20 from mile post 26 at the intersection of State Route 20 and U. S. Route 33 to mile post 27 for Thomas B. Dunn; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name a stretch of highway in Upshur County, West Virginia, on State Route 20 from mile post 26 at the intersection of State Route 20 and U. S. Route 33 to mile post 27, the "Thomas B. Dunn Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the stretch of highway as the "Thomas B. Dunn Memorial Highway"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving widow, children and relatives of Thomas B. Dunn.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

Com. Sub. for S. C. R. 15 - "Requesting the Division of Highways to name the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the 'Army Private First Class Troy Franklin Tomblin Memorial Highway'."

WHEREAS, Troy Franklin Tomblin was born March 25, 1947, to Troy and Nettie Tomblin in Harts, West Virginia. He had six siblings. He was a Baptist and graduated from Chapmanville High School in 1965. He enlisted in the United States Army and started a tour of duty on October 29, 1966, as a Private First Class Infantryman, a member of B Company, Second Battalion, Eighth Infantry, Fourth Infantry Division, United States Army in Vietnam. He was killed in action in Kontum Province, South Vietnam, on February 21, 1967. Private First Class Troy Franklin Tomblin was awarded the Purple Heart, Vietnam Service Medal, Vietnam Campaign Medal and National Defense Medal; and

WHEREAS, Army Private First Class Troy Franklin Tomblin gave his life in the service of his country and state and his sacrifice should not go unnoticed; and

WHEREAS, It is fitting to honor Troy Franklin Tomblin by naming the Logan County Route 5/12 (White Oak Road) from the junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the "Army Private First Class Troy Franklin Tomblin Memorial Highway"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the Logan County Route 5/12 (White Oak Road) from the

junction of White Oak Creek Road (Co. Rt. 5/11) 0.00-0.35 the "Army Private First Class Troy Franklin Tomblin Memorial Highway"; 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 "Army Private First Class Troy Franklin Tomblin Memorial Highway"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving family and relatives of Troy Franklin Tomblin.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 16 - "Requesting the Division of Highways to name County Route 5/07, also known as Bulwark Ranch Road, that runs off County Route 5 in Logan County, the 'Army PFC James Edward Workman Memorial Road'."

WHEREAS, PFC Workman was born on November 10, 1946, in Logan to Elbert and Lorraine Star Workman; and

WHEREAS, PFC Workman married Elizabeth St. Clair on January 23, 1967, and had one daughter, Pamela Ann Workman; and

WHEREAS, PFC Workman served in Company B, 3rd Battalion, 60th Infantry, 9th Infantry Division in the United States Army; and

WHEREAS, PFC Workman was killed in action on May 23, 1969, in Kien Hoa, South Vietnam, and is buried in the Smith Cemetery; and

WHEREAS, PFC Workman received the Purple Heart, Vietnam Service Medal, Vietnam Campaign Medal and National Defense Medal; and

WHEREAS, PFC Workman received a GED and was a member of the Hannah Baptist Church; and

WHEREAS, It is fitting to honor PFC Workman for his commitment, dedication and service to his country and his state and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name County Route 5/07, also known as Bulwark Ranch Road, that runs off County Route 5 in Logan County, the "Army PFC James Edward Workman Memorial 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 "Army PFC James Edward Workman Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and the family of James Edward Workman.

PETITIONS

Delegate Ashley presented a petition on behalf of his constituents in support of the Second Amendment Preservation Act; which was referred to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2928 – "A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2013, organization 0803, for the fiscal year ending June 30, 2013"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2929 – "A Bill making a supplementary appropriation of federal funds out of the treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Department of Administration, Children's Health Insurance Agency, fund 8838, fiscal year 2013, organization 0230, to the Department of Commerce, Division of Miners' Health, Safety and Training, fund 8709, fiscal year 2013, organization 0314, to the Department of Education, State Department of Education, fund 8712, fiscal year 2013, organization 0402, to the Department of Education and the Arts, Division of Culture and History, fund 8718, fiscal year 2013, organization 0432, to the Department of Health and Human Resources, Division of Health, Central Office, fund 8802, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2013, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2013, organization 0612, to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2013, organization 0704, and to Miscellaneous Boards and Commissions, Coal Heritage Highway Authority, fund 8861, fiscal year 2013, organization 0942, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2930 – "A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year

ending June 30, 2013, to the Governor's Office, Minority Affairs Fund, fund 1058, fiscal year 2013, organization 0100, to the Department of Education and the Arts, State Board of Rehabilitation - Division of Rehabilitation Services - West Virginia Rehabilitation Center - Special Account, fund 8664, fiscal year 2013, organization 0932, to the Department of Health and Human Resources, Division of Health - Hospital Services Revenue Account, Special Fund, Capital Improvements, Renovation and Operations, fund 5156, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Health - Lead Abatement Account, fund 5204, fiscal year 2013, organization 0506, to the Department of Revenue, Municipal Bond Commission, fund 7253, fiscal year 2013, organization 0706, to the Department of Transportation, Public Port Authority - Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2013, organization 0806, to the Miscellaneous Boards and Commissions, WV Board of Examiners for Registered Professional Nurses, fund 8520, fiscal year 2013, organization 0907, and to the Miscellaneous Boards and Commissions, WV Board of Licensed Dietitians, fund 8680, fiscal year 2013, organization 0936, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013"; to the Committee on Finance.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead
[By Request of the Executive]:

H. B. 2931 – "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Department of Health and Human Resources, Division of Human Services - Temporary Assistance for Needy Families, fund 8816, fiscal year 2013, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2013"; to the Committee on Finance.

By Delegates Iaquinta, Paxton, Miley, Fleischauer, Longstreth, P. Smith, Fragale, Staggers, J. Nelson, Wells and Boggs:

H. B. 2932 – "A Bill making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of

Veterans' Affairs, fund 8728, fiscal year 2013, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 20, 2013"; to the Committee on Finance.

By Delegates L. Phillips, P. Smith, Marcum, Barill, White, Moye, Skinner and Poore:

H. B. 2933 – "A Bill to amend and reenact §62-12-13 and §62-12-23 and of the Code of West Virginia, 1931, as amended, all relating to the Parole Board's duty to notify prosecuting attorneys of an offender's parole hearing and release"; to the Committee on the Judiciary.

By Delegates Eldridge, Stowers, Barrett, Barill, R. Phillips, Tomblin, Young, Lynch, Sponaugle, Hartman and Campbell:

H. B. 2934 – "A Bill to amend and reenact §18-10H-6 of the Code of West Virginia, 1931, as amended, relating to providing that seventh grade students are eligible to attend vocational school"; to the Committee on Education.

By Delegates Hunt, Moore, Marcum, Miley, P. Smith, Skaff, White, Paxton, Hamilton, Faircloth and Barill:

H. B. 2935 – "A Bill to amend and reenact §61-8C-2 and §61-8C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8C-3b, all relating to child pornography; increasing criminal penalties for certain violations; providing enhanced penalties for second and subsequent violations; providing enhanced penalties for violations involving possession of five hundred or more images; providing enhanced penalties for violations involving images showing a minor subjected to pain or engaging in sexual activity with an animal; and providing that certain violators are not eligible for probation"; to the Committee on the Judiciary then Finance.

By Delegates Hunt, Staggers, Skaff, Sobonya, Manchin, Sponaugle, Moye, Walters, Marcum, R. Phillips and E. Nelson:

H. B. 2936 – "A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24, §29-3-25

and §29-3-26 of said code; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 and §29-3E-13; and to amend and reenact §61-3E-1 and §61-3E-11 of said code, all relating to the regulation of fireworks; defining terms; setting forth the State Fire Marshal's authority; requiring a registration, certification or permit; establishing the requirements for a registration, certification and permit; establishing a special revenue account; setting forth the State Fire Marshal's rule-making authority; providing authority to investigate complaints; and providing criminal penalties"; to the Committee on Government Organization then the Judiciary.

By Delegates Walters, Armstead and R. Smith:

H. B. 2937 – "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13b, relating to authorizing a county school board to adopt a policy that allows an inspirational message to be delivered by students at a student assembly; providing policy requirements; and providing purpose"; to the Committee on Education then the Judiciary.

By Delegates Ashley, Ellem, Miley, Westfall, Lawrence, McCuskey, Poore, Householder, Hunt, Manchin and Lane:

H. B. 2938 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-7-1a, relating to the establishment of ethical standards for court reporters and entities that provide court reporting services; oversight administration; and sanctions and penalties"; to the Committee on the Judiciary.

By Delegates Barrett, Lawrence, Skinner, Miley and Sponaugle:

H. B. 2939 – "A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating generally to crimes against the person; and modifying the definition of 'battery' and 'domestic battery' to conform with federal laws"; to the Committee on the Judiciary.

By Delegates M. Poling, Stowers, Pasdon, Moye and Perry:

H. B. 2940 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-26a, relating to regional meetings among certain officials of county boards of education; establishing purposes and limitation; requiring notice; setting forth the responsibilities of county and state education officials; soliciting input from organizations having an interest in education; requiring certain reports; and providing a process for approval of training"; to the Committee on Education.

By Delegates Miley, Manchin, Ferro, Moore and Manypenny [By Request of the Secretary of State's Office]:

H. B. 2941 – "A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-3 of said code; and to amend and reenact §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21, §3-2-23, §3-2-25 and §3-2-29 of said code, all relating to the maintenance of voter registration lists and related records; making technical corrections and deleting obsolete references; updating and clarifying the persons entitled to vote; clarifying when a person under the age of eighteen may vote in a primary election; updating the processes and responsibilities for statewide voter registration and clarifying county and state roles in the voter registration process; updating the processes of maintaining voter registration records; clarifying county roles in maintaining voter registration files for municipal elections; updating processes for the maintenance of records in the statewide voter registration database; updating processes for cancellation of deceased or ineligible voters' registrations; clarifying county and state roles in the systematic purging program for removal of ineligible voters from active voter registration records; and clarifying custody of paper and electronic voter registration records"; to the Committee on the Judiciary then Finance.

By Delegates Householder, Sobonya, Gearheart, Arvon, Raines, Sumner, Border, Espinosa, Shott, Westfall and Frich:

H. B. 2942 – "A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-2-5

of said code, all relating to governmental ethics; prohibiting public officials and employees from using public funds for self promotion; prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on trinkets; and prohibiting knowingly and intentionally placing the names or likenesses of public officials and employees on certain publically-financed advertising during an election period; and defining terms"; to the Committee on the Judiciary then Finance.

By Delegate Skinner:

H. B. 2943 – "A Bill to amend and reenact §60-4-3 and §60-4-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §60-6-2 of said code; and to amend and reenact §60-7-11 of said code, all relating to providing that the hours of a private club operating on the premises of a distillery that produces less than 50,000 gallons of alcoholic liquor per year or a mini-distillery shall be the same as any other private club; authorizing sales of alcoholic liquor, other than in sealed packages, for consumption on the premises of a distillery that produces less than 50,000 gallons of alcoholic liquor per year or a mini-distillery which also holds a private club license; and exempting alcoholic liquor that was manufactured on the premises of the distillery that produces less than 50,000 gallons of alcoholic liquor per year or a mini-distillery from the requirement that licensees must purchase alcoholic liquors from or through the commissioner or a retail licensee"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Skinner:

H. B. 2944 – "A Bill to amend and reenact §11-16-8 of the Code of West Virginia, 1931, as amended, relating to permitting the sale of nonintoxicating beer within a certain distance from a church that consents to the sale"; to the Committee on the Judiciary.

SPECIAL CALENDAR

THIRD READING

Com. Sub. for H. B. 2567, Relating to limited partnerships; 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. 27)**, 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: Fragale and D. Poling.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2567) 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

S. B. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts; on second reading, coming up in regular order, was read a second time and ordered to third reading.

FIRST READING

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

Com. Sub. for H. B. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act",

Com. Sub. for H. B. 2171, Relating to review of state administrative agency rule making,

Com. Sub. for H. B. 2497, Requiring applicants for real estate licensure to undergo criminal history record checks,

Com. Sub. for H. B. 2603, Relating to the Family Protection Services Board,

Com. Sub. for H. B. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system,

H. B. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed,

Com. Sub. for H. B. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner,

And,

H. B. 2847, Relating to the collection of delinquent real property and personal property taxes.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Fragale and D. Poling.

REMARKS BY MEMBERS

Delegate Hunt addressed the House regarding Com. Sub. for H. B. 2760, Creating a uniform regulation of firearms, ammunition, and firearm accessories, and at the conclusion thereof, Delegate J. Nelson asked and obtained unanimous consent that such remarks be printed in the Appendix to the Journal.

Delegate J. Nelson also addressed the House, regarding Delegate Hunt's remarks, and Com. Sub. for H. B. 2760, and at the conclusion of his remarks, he also asked and obtained unanimous consent that his remarks be printed in the Appendix to the Journal.

At 12:15 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, March 15, 2013.

FRIDAY, MARCH 15, 2013

THIRTY-FIRST DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, 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 14, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 6, The "Sergeant Elzie Mundy, Jr. Bridge",

H. C. R. 14, The "Marine LCpl Benny A Gilco Bridge",

H. C. R. 16, The "Army Specialist-4 Harmon 'Hoppy' Lee Hopson Jr. Memorial Bridge",

H. C. R. 59, The "Corporal Gerry Glen Simpson Memorial Bridge, United States Army",

And,

H. C. R. 68, The "Army Maj. Gen. Charles C. Rogers Memorial Bridge",

And reports the same back with the recommendation that they each be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 4, The "USMC CPL Larry G. Curnutte Memorial Bridge",

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

Com. Sub. for H. C. R. 4 - "Requesting the Division of Highways to rename the Rossmore Beam Span bridge over Island Creek on State Route 44, near Monaville, Logan County, bridge number 23-44-13.14, in District 2, the 'USMC CPL Larry G. Curnutte Memorial Bridge'",

H. C. R. 38, The "James Darrell Mangrum Memorial Bridge",

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

Com. Sub. for H. C. R. 38 – "Requesting the Division of Highways to name the bridge over the Guyandotte River at Bridge Street between Route 10 and E. McDonald Avenue, in Man, Logan County, bridge number 23-10/14-0.01, constructed in 1986, as the 'James Darrell Mangrum Memorial Bridge'",

And,

H. C. R. 55, The "Trooper Brian William Linn Memorial Bridge",

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

Com. Sub. for H. C. R. 55 – "Requesting the Division of Highways to name the bridge known as Shavers Fork Bridge on U.S.

Route 33 near Bowden in Randolph County, bridge number 42-33-18.44, as the 'Trooper Brian William Linn Memorial Bridge'",

With the recommendation that the committee substitutes each be adopted.

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

Your Committee on Education has had under consideration:

H. B. 2360, Relating to public school support computation of local share,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2360) was referred to the Committee on Finance.

Delegate Morgan, 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. 2660, State Fire Commission, state building code,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2660) was referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2710, Board of Veterinary Medicine, organization and operation and licensing of veterinarians,

And,

H. B. 2711, Board of Veterinary Medicine, schedule of fees,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2710 and H. B. 2711) were each referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2578, Creating the Good Jobs Internet Reporting Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2578) was referred to the Committee on Finance.

Delegate Fleischauer, Chair of the Committee on Constitutional Revision, submitted the following report, which was received:

Your Committee on Constitutional Revision has had under consideration:

H. J. R. 11, The "Homestead Exemption Increase Amendment",

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 11) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2827, Modifying the funding ratio of school students to counselors,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2827) was referred to the Committee on Finance.

RESOLUTIONS INTRODUCED

Delegates Howell, Rowan, A. Evans, Sponaugle, Cowles and D. Evans offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 77 - "Requesting the Joint Committee on Government and Finance study the feasibility and viability of building an intermodal facility at the Keyser Rail Yard in Mineral County, West Virginia, for the purpose of shipping containers from rail to truck and truck to rail."

WHEREAS, The City of Keyser is located equal distance from Corridor H and Interstate 68; and

WHEREAS, The Keyser Rail Yard has excellent highway access, 22 miles to Cumberland and Interstate 68; 10 minutes to Highway 50 to Winchester, VA. and 2.5 hours to Dulles International Airport and Washington, D.C.; and

WHEREAS, A four lane connector route between Corridor H and Interstate 68 is in step two of the planning process; and

WHEREAS, The Keyser Rail Yard is within 250 miles of all mid-Atlantic metropolitan markets; within two-thirds of the U.S. population and major East Coast markets and within 29 miles of the regional airport; and

WHEREAS, In anticipation of the connector route between Corridor H and Interstate 68, the level of truck traffic has already started to increase on US Route 220, the existing connecting road between Corridor H and Interstate 68 running through Keyser; and

WHEREAS, Keyser Rail Yard is an existing commercial rail station, already equipped with utilities, water, gas and an enhanced 911 system with the Keyser Fire Station one mile from site; and

WHEREAS, An intermodal facility for shipping between rail and truck and truck and rail will facilitate transfers and create a more seamless transit network; and

WHEREAS, An intermodal facility would serve to consolidate multiple operators and routes into one location and may also serve to create additional funding sources; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility and viability of building an intermodal transport facility at the Keyser Rail Yard in Keyser, Mineral County, West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, on its findings, conclusions and recommendations, together with drafts of 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 legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Iaquinta, Miley, Fragale, Barill, Manchin, Caputo, Longstreth, Manypenny, P. Smith, Mr. Speaker, Mr. Thompson, and Hamrick offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 78 - "Requesting the Division of Highways to name bridge number 17a322 spanning Ann Run in Bridgeport, in Harrison County the 'Louis J. "Zeke" Trupo Bridge'."

WHEREAS, Louis J."Zeke" Trupo was born in Clarksburg, West Virginia in 1919, the second son of six children of Italian immigrants, the late Leonard J. Trupo and Domenica Michele Trupo; and

WHEREAS, Louis J."Zeke" Trupo was graduated from Victory High School in Clarksburg in 1937 where he participated in basketball, wrestling and baseball; and

WHEREAS, Louis attended Salem College until he enlisted in the United States Marine Corps in 1942 and was wounded on the Island of Titian by a sniper's bullet; a prayer missal, along with a spoon in his pocket and his dog tags deflected the bullet that otherwise would have struck his heart; this unique, life saving incident was later recognized in "Ripley's Believe It or Not"; and

WHEREAS, Zeke was later again wounded by a mortar shell in the battle of Iwo Jima; and

WHEREAS, In 1946, Louis married Ada Pinion and had three children; Dr. Joseph (Debbie) Trupo of Elkins, Ms. Jona (Thomas) Michel of Bridgeport and Mr. Louis Trupo, Jr., of Columbus, Ohio; and

WHEREAS, Louis worked as a maintenance foreman at Fourco Glass Company for thirty-one years; and

WHEREAS, Louis was honored to have a career as an elected public servant; he was elected as Justice of the Peace and later elected Magistrate for fourteen and a half years before retiring and also was a member of the Clarksburg City Council; and

WHEREAS, Louis has also given back to his community in many capacities, including as a founding member and president of the Harrison County Emergency Squad for two terms and as a volunteer member for more than twelve years as a first aid instructor and emergency medical technician, was a member of the Central West Virginia Management Club and as past President of the Clarksburg Deanery N. N. C. Men, and past president of the Bridgeport Kiwanis Club, as an instructor; and

WHEREAS, It is only fitting and proper that the lifetime of community and public service by Louis J. "Zeke" Trupo be recognized in the community in which he lives and has served; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-N01/95-0.06 spanning Ann Run in Bridgeport, in Harrison County the "Louis J."Zeke" Trupo 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 "Louis J. "Zeke" Trupo Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Louis J. Trupo, his

immediate family members and the Secretary of the Department of Transportation.

Delegates Marcum, White, Boggs, Perdue, Barrett, Tomblin, R. Phillips, Stowers, Lynch, Stephens and Reynolds offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 79 - "Requesting the Division of Highways to name bridge number 30-119-0.01 on Route 119 in Mingo County, the 'Joe Curtis (Joey) Dingess Memorial Bridge'."

WHEREAS, Mr. Dingess was born October 8, 1978 in Williamson to Curtis and Betty Chaffins Dingess; and

WHEREAS, Mr. Dingess passed away on September 22, 2010 at the Pikeville Medical Center following a lingering illness; and

WHEREAS, Mr. Dingess is survived by wife Cindy Murphy Dingess and his son Peyton Cole Dingess; and

WHEREAS, Mr. Dingess was a 1997 graduate of Belfry High School and graduated from the Mingo County Vocational Technical Center where he was Student of the Year; and

WHEREAS, Mr. Dingess was a fireman with the Williamson Fire Department, and a member and former president of the Hatfield Volunteer Fire Department; and

WHEREAS, On September 22, 2010 the Hatfield Volunteer Fire Department retired Unit Number 2124 in honor and memory of Mr. Dingess; and

WHEREAS, Mr. Dingess was a Master Mason 3rd Degree, the O'Brien Lodge #101 AF&AM, the Beni Kedem Shrine, the Charleston Scottish Rite and the Tug Valley Shrine Club; and

WHEREAS, Mr. Dingess ran the Childhood Language Bingo for the Childhood Language Center of Charleston for the Scottish Rite Masons; and

WHEREAS, Mr. Dingess was a superintendent for Kapourales Properties in Williamson; and

WHEREAS, Mr. Dingess was a friend to Mingo County where he was an avid volunteer, community activist and never knew a stranger; and

WHEREAS, It is fitting to honor Joe Curtis (Joey) Dingess for his commitment, dedication and service to his county and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-119-0.01 on Route 119 in Mingo County, the "Joe Curtis (Joey) Dingess 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 "Joe Curtis (Joey) Dingess Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and the family of Joe Curtis (Joey) Dingess.

BILLS INTRODUCED

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

By Mr. Speaker, Mr. Thompson, and Delegates Caputo, Boggs, Lynch, Young, Skinner, Tomblin, Barrett, Sponaugle, White and Miley:

H. B. 2945 – "A Bill to amend and reenact §12-4-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-3-33a, all relating to the

distribution of state funds to volunteer fire departments under the Volunteer Fire Department Workers' Compensation Subsidy Program generally; specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments; establishing the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund and providing revenues to be deposited into the fund for the program; and requiring reviews, assessments and reports to the Legislature prior to termination of the program"; to the Committee on Finance.

By Delegates Skinner, Barrett, Skaff, Ferns and Fleischauer:

H. B. 2946 – "A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-7-10 and §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to permitting the sale of alcoholic beverages on Sunday mornings beginning at ten o'clock A.M."; to the Committee on the Judiciary then Finance.

By Delegates Manchin, Manypenny, Ellem, Pino, Guthrie, Walters, Lane, Caputo and Fleischauer:

H. B. 2947 – "A Bill to amend and reenact §11A-3-19, §11A-3-21 and §11A-3-23 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11A-3-23a; to amend and reenact §11A-3-52, §11A-3-54 and §11A-3-56 of said code; to amend said code by adding thereto a new section, designated §11A-3-58a; and to amend and reenact §11A-4-4 of said code, all relating to permitting surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; establishing procedures; requiring notice; establishing the purchase prices; establishing a nonrefundable $20 administrative fees; providing a procedure if more than one surface owner seeks to purchase the delinquent mineral interest; modifying notices to redeem that are sent to property owners; and providing

remedies relating to tax sales"; to the Committee on the Judiciary then Finance.

By Delegates Skinner and Sponaugle:

H. B. 2948 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, §1-7-4, §1-7-5 and §1-7-6, all relating to creating the Freedom From Unwarranted Surveillance Act; prohibiting the use of drones; providing exceptions; providing remedies; prohibiting the use of evidence; and defining terms"; to the Committee on the Judiciary.

By Delegate Hunt:

H. B. 2949 – "A Bill to amend and reenact §60-8-30 of the Code of West Virginia, 1931, as amended, relating to making it illegal for a manufacturer, winery, farm winery or supplier to deliver wine to a distributor without having an equitable franchise agreement; requiring the agreement to contain a written description of the territory the wine supplier assigns to the distributor; prohibiting a distributor from selling wine outside its franchise territory; permitting sales of convenience between distributors; prohibiting a retailer from purchasing wine from sellers outside the retailer's assigned territory; requiring due regard for the equities and just cause before an agreement between a supplier and distributor may be canceled; requiring ninety days written notice when seeking to cancel an agreement; providing exceptions; requiring sixty days written notice when a distributor desires to sell or transfer ownership; providing that a supplier has sixty days to respond; requiring a supplier who disapproves of the transfer to give written justification; and providing that if no response is received the transfer is approved by default"; to the Committee on the Judiciary then Finance.

By Delegates Howell, Hamrick, Householder, Cooper, Cadle, Frich, Rowan, A. Evans, Romine, Storch and McCuskey:

H. B. 2950 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24D-1-28; and to amend said code by adding thereto a new section, designated

§31D-1-153, all relating to providing cable operators and satellite television providers a tax credit for offering consumers access only to those channels they desire"; to the Committee on Finance.

By Delegates Marcum, R. Phillips, Barill, Eldridge, Tomblin, Stowers, Moore, L. Phillips, White, Ferro and Sponaugle:

H. B. 2951 – "A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §55-7-22a and §55-7-22b, all relating to providing enhanced criminal and civil protections to individuals who use force in protecting themselves, their property or other individuals from certain criminal activities of others"; to the Committee on the Judiciary then Finance.

By Delegates Marshall, Manchin, Miley, Moore, Fleischauer and Barill:

H. B. 2952 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21A-12-1, §21A-12-2, §21A-12-3, §21A-12-4, §21A-12-5, §21A-12-6 and §21A-12-7, all relating to the creation of Work Share West Virginia; providing rule-making authority; specifying work share plan contents; providing criteria for approval or denial of work share plan; providing provisions for enforcement of program, including criminal sanctions, employee eligibility, benefit amounts and exhaustion of benefits; requiring reimbursement of benefits paid; providing for charging participating employers; and requiring report to Legislature"; to the Committee on the Judiciary then Finance.

SPECIAL CALENDAR

UNFINISHED BUSINESS

Com. Sub. for H. C. R. 27, The "Army SSGT Arthur N. McMellon Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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. C. R. 28, The "Mud River Pound Punchers Highway"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 40, The "Estel R. Stacy World War II Navy Veteran Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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. C. R. 41, The "US Army Staff Sergeant Cornelius Nebo Lackey Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 44, Requesting a study on the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia; coming up in regular order, as unfinished business, was reported by the Clerk.

At the request of Delegate Boggs, and by unanimous consent, the resolution was laid over, retaining its place on the calendar.

H. C. R. 48, The "Albert & Peggie Maynard Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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. C. R. 57, The "Fire Chief Lyle Ware Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 60, The "Williams S. Croaff Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 65, The "Jimmie Stewart Pauley Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

THIRD READING

S. B. 197, Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts; on third reading, coming up in regular order, was read a third time.

Delegates Ashley, Ellem and Poore requested to be excused from voting on the passage of S. B. 197 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Members from voting.

On the passage of the bill, the yeas and nays were taken **(Roll No. 28)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ellington, Fragale, Hunt, D. Poling and R. Smith.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 197) passed.

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

On this question, the yeas and nays were taken (**Roll No. 29**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ellington, Fragale, Hunt, Kump, D. Poling and R. Smith.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 197) takes effect from its passage.

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

SECOND READING

Com. Sub. for H. B. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act"; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hamrick, the bill was amended on page two, section ten, line two, after the word "carrier", by inserting the words "internet account provider".

On line nine, after the word "carrier", by inserting the words "internet account provider".

On line thirteen, after the word "carrier", by inserting the words "internet account provider".

On page three, section ten, line seventeen, after the word "carriers", by inserting the words "internet account provider".

And,

On line twenty-eight, after the word "carriers", by inserting the words "internet account provider".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2171, Relating to review of state administrative agency rule-making; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Boggs, and by unanimous consent, the bill was advanced to third reading with an amendment pending, and the rule was suspended to permit the consideration of the amendment on that reading.

Com. Sub. for H. B. 2497, Requiring applicants for real estate licensure to undergo criminal history record checks; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Miley, the bill was amended on page six, section eleven, line seventy-eight, after the word "original", by inserting the word "salesperson's".

The bill was then 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. 2603, Relating to the Family Protection Services Board,

Com. Sub. for H. B. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system,

H. B. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed,

Com. Sub. for H. B. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner,

And,

H. B. 2847, Relating to the collection of delinquent real property and personal property taxes.

FIRST READING

H. B. 2861, Relating to continued enrollment of at-risk student in public school; on first reading, coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence were granted Delegates Ellington, Fragale, Hunt, Kump, D. Poling and R. Smith.

At 11:32 A.M., the House of Delegates adjourned until 11:00 A.M., Monday, March 18, 2013.

MONDAY, MARCH 18, 2013

THIRTY-FOURTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Friday, March 15, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 45, The "Army PFC French E. Marsh Memorial Bridge",

H. C. R. 46, The "Martha Ellen Taylor & Sons Memorial Bridge",

And,

H. C. R. 58, The "Marine Lance Corporal Michael Steven Garrett Memorial Bridge",

And reports the same back with the recommendation that they each be adopted.

Delegate Miley, 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. 2356, Prohibiting the sale of beer and wine at self-scan registers,

H. B. 2786, Increasing the allowable number of magistrate court deputy clerks by ten,

H. B. 2910, Allowing the State Tax Commissioner to divert and use lottery prizes to pay the unpaid tax liabilities of lottery prize winners,

And,

H. B. 2912, Relating to disclosure of confidential taxpayer information,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2356, H. B. 2786, H. B. 2910 and H. B. 2912) were each referred to the Committee on Finance.

Delegate Miley, 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. 2780, Relating generally to multi disciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services,

And,

H. B. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums,

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

Delegate Miley, 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, Clarifying and modifying the process of appointing and terminating guardians for minors,

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

Com. Sub. for H. B. 2815 - "A Bill to amend and reenact §44-10-3 of the Code of West Virginia, 1931, as amended, relating generally to clarifying and modifying the process of appointing and terminating guardians for minors,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification,

H. B. 2890, Increasing criminal penalties for violating provisions of the civil service law for paid fire departments,

H. B. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision,

And,

H. B. 2915, Relating to the withdrawal of state tax liens recorded prematurely, inadvertently or erroneously,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2717, H. B. 2890, H. B. 2913 and H. B. 2915) were each referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 159 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-12-1, §36-12-2, §36-12-3, §36-12-4, §36-12-5, §36-12-6, §36-12-7, §36-12-8, §36-12-9, §36-12-10, §36-12-11, §36-12-12, §36-12-13, §36-12-14, §36-12-15, §36-12-16 and §36-12-17, all relating to creating the Uniform Real Property Transfer on Death Act; authorizing the transfer of real property effective at the time of a transferor's death; providing for applicability and nonexclusivity of this method of transferring real property; providing that a transfer on death deed is revocable and nontestamentary; establishing the capacity of transferor; setting forth requirements for a transfer of death deed; providing that transfer of death deed exempt from payment of excise tax on the privilege of transferring real estate; providing that notice, delivery, acceptance or consideration are not required; providing requirements for revocation of deed; setting forth the effect of transfer on death deed during a transferor's life and effect of the deed at transferor's death; providing for disclaimer; providing for liberal construction; providing for uniformity of application and construction; setting forth the article's relation to the Electronic Signatures in Global

and National Commerce Act; 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

S. B. 368 - "A Bill to amend and reenact §48-3-103 and §48-3-105 of the Code of West Virginia, 1931, as amended, all relating to domestic relations law generally; clarifying that conviction of an offense punishable by incarceration for more than one year prior to the marriage and without the knowledge of the other party constitutes a basis for voiding a marriage; and clarifying that a party to a marriage who was unaware at the time of the marriage that his or her spouse had previously been convicted of an offense punishable by incarceration for more than one year may not institute an annulment action if he or she cohabited with that spouse after becoming aware of the conviction"; 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. 383 - "A Bill to amend and reenact §29-21-9 and §29-21-20 of the Code of West Virginia, 1931, as amended, all relating to Public Defender Services; authorizing family court judges to appoint counsel in contempt cases when jail commitment is possible; and providing immunity to attorney appointed by family court judges"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 427 - "A Bill to amend and reenact §62-1A-10 of the Code of West Virginia, 1931, as amended, relating to

clarifying requirements for certain motor vehicle searches"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 7 - "Designating the Hall Flintlock Model 1819 as the official state firearm."

WHEREAS, The United States Constitution gives citizens the right to bear arms in defense of themselves and their country; and

WHEREAS, No firearm has been designated as the official state firearm for the State of West Virginia; and

WHEREAS, The Hall Flintlock Model 1819 was manufactured in Harpers Ferry by John H. Hall; and

WHEREAS, The Hall Flintlock Model 1819 was adopted for use by the United States Army in 1819; and

WHEREAS, The Hall Flintlock Model 1819 was the first breech-loading rifle to be adopted by any nation's military; and

WHEREAS, The Hall Flintlock Model 1819 was still in use during the United States Civil War; and

WHEREAS, The designation of such a state firearm would aid in the promotion of West Virginia history; and

WHEREAS, Other states have designated an official state firearm; therefore, be it

Resolved by the Legislature of West Virginia:

That the Hall Flintlock Model 1819 be designated as the official state firearm; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor and the schools of this state.

RESOLUTIONS INTRODUCED

Delegates Eldridge, Campbell, Reynolds, R. Phillips, Stowers, Tomblin, Mr. Speaker, Mr. Thompson, Marcum, White, Craig and Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 80 - "Urging the United States Congress to move West Virginia from the United States Environmental Protection Agency's (EPA) Region 3 office in Philadelphia to the EPA's Region 4 office in Atlanta."

WHEREAS, EPA Region 3 (Mid-Atlantic) includes Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia; and

WHEREAS, EPA Region 4 (Southeast) includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee; and

WHEREAS, Kentucky and West Virginia are similar in terms of natural resources, including coal mining; and

WHEREAS, It makes practical sense to regulate like states in a like manner under the same regional office; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature hereby requests the United States Congress to transfer West Virginia to EPA Region 4; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this Resolution to the United States Congress.

Delegates Romine, A. Evans, Rowan and Azinger offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 81 - "Requesting the Division of Highways to name the bridge at the south end of Sistersville on Route 2, bridge number 2155.1, as the 'Brigadier General Timothy C. Barrick Memorial Bridge'."

WHEREAS, Brigadier General Timothy C. Barrick, soldier, gentleman and proud West Virginian, was the great-great-great-grandson of a long line of a civic and country serving family. His great-great-great-grandfather was Presley Martin, the founder of New Martinsville. His grandfather, William D. Barrick Sr., who moved to Sistersville in 1928 and started the General Dry Cleaning Company, was the leading force who brought Linde Air Products to Sistersville in 1954. This same grandfather, along with two other men, also bought and donated to Sistersville the land now known as Country Club Heights. Like his ancestors before him, Timothy C. Barrick was an honorable and giving man. Tim's father, William D. Barrick, Jr., served his country during World War II. His brother William D. Barrick, III served in the Navy. So as a lad Tim signed up for the Army in 1966 during one of our nations darkest hours, The Vietnam War. He was commissioned as a Second Lieutenant, Infantry, in 1967. He then served twelve months in Vietnam. Thus began for him, as well as his family, a life-long service to his country. Tim's service included tours in Korea and as an instructor with the U.S. Army Infantry School at Fort Benning, Georgia. He then joined the Alabama National Guard in 1976. His military education included Infantry OCS; Airborne Course; Infantry, Engineer, Armor and Quartermaster Advance Courses; Command and General Staff College (Commandant's List), National Security Management Course

(Outstanding Graduate) and Reserve Components National Security Course. He earned a bachelor's degree in criminal justice and military science. He was awarded the Silver Star, Bronze Star, Purple Heart, Meritorious Service Medal (three awards), Air Medal (two awards), Army Commendation Medal (3 awards), Army Achievement Medal (2 awards), Humanitarian Service Medal, Vietnam Service Medal, Combat Infantryman Badge and Parachutist Badge. He was presented the Alabama Distinguished Service Medal, the state's highest award; and

WHEREAS, Tim loved his roots and Tyler County. He came home as often as he could. He is the highest ranking officer ever to graduate from Sistersville High School. He gave the keynote speech at the 2002 Alumni Banquet in which he wrote a poem dedicated to this city and county. Brigadier General Timothy C. Barrick died in June, 2004. He is survived by his wife Linda and his two daughters Courtney and Stephanie; his mother, Janet Barrick; his brother Billy Dean; and his sister Melissa Flesher. This beloved native son was returned home in June 2004 for good. Brigadier General Timothy C. Barrick was a soldier, gentleman and a man who loved his country, family, his fellow man and West Virginia; and

WHEREAS, The life of our native son, Brigadier General Timothy C. Barrick, and his life, accomplishments and passing should not go unnoticed; therefore, be it

Resolved by the House of Delegates:

That the Legislature hereby requests the Division of Highways to name the bridge at the south end of Sistersville on Route 2, bridge number 2155.1, as the "Brigadier General Timothy C. Barrick Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs on both sides of the bridge

identifying the bridge as the "Brigadier General Timothy C. Barrick Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and the surviving wife and children and relatives of Brigadier General Timothy C. Barrick.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Moye, Pino, Boggs, Walker, Swartzmiller and A. Evans:

H. J. R. 34 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the marriage protection amendment; prohibiting the state from recognizing same sex marriages; prohibiting the state from recognizing a legal status for relationships that are similar to marriage; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

PETITIONS

Delegate Howell presented a petition on behalf of his constituents requesting the Division of Highways install a signal light at the intersection of Stony Run Road and U.S. Route 220; which was referred to the Committee on Roads and Transportation.

BILLS INTRODUCED

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

By Delegates Skinner, Barrett, Lawrence, Marshall, Reynolds, Poore, Miley, Morgan, Fleischauer, Lynch and Young:

H. B. 2953 – "A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to raising the minimum wage"; to the Committee on Finance.

By Delegates Caputo, Tomblin, R. Phillips and Marcum:

H. B. 2954 – "A Bill to amend and reenact §22A-11-2 of the Code of West Virginia, 1931, as amended, relating to requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature are paid for each day or portion thereof engaged in the discharge of their interim duties"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegate Walters:

H. B. 2955 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, §9A-5-2, §9A-5-3, §9A-5-4 and §9A-5-5, all relating to creation of a Traumatic Brain Injury Services Commission; stating legislative findings; creating commission and members; stating purpose and duties of members of commission; and stating how funded and requiring reporting"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Miley, Boggs, Manchin, Marcum, Ferro, Reynolds and Ashley:

H. B. 2956 – "A Bill to amend and reenact §11-16-3 and §11-16-6 of the Code of West Virginia, 1931, as amended, all relating to resident brewers and brewpubs; and clarifying certain requirements and operations relating to distribution and sales"; to the Committee on the Judiciary.

By Delegates Azinger, A. Evans and Romine:

H. B. 2957 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-1c relating to county commissions generally; authorizing a pilot program to increase powers of county self government; the County Home Rule Pilot Program; legislative findings; authorizing certain counties to participate in the program; creating a County Home Rule Board; stating the powers and duties of the board and membership; written

plan requirements for counties; ordinance requirements for counties; powers and duties of the participating counties; prohibiting certain acts by participating counties; amending the written plan; termination date of the pilot program; reporting requirements; and the effect of ordinances passed by the counties participating in the pilot program"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Walters, R. Smith, Canterbury, Andes and Raines:

H. B. 2958 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the allowance of mortgage or deed of trust interest paid on a personal residence as a deduction for personal income tax purposes"; to the Committee on Finance.

By Delegates Eldridge, R. Phillips, Stowers, Longstreth, Young, Sponaugle, Reynolds, Campbell, Tomblin, Marcum and M. Poling:

H. B. 2959 – "A Bill to amend and reenact §23-2-1b of the Code of West Virginia, 1931, as amended, relating to workers' compensation; employers and employees subject to coverage; and providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced premiums when not actively engaged in fire fighting"; to the Committee on Finance.

By Delegates Guthrie, Hartman and Manchin:

H. B. 2960 – "A Bill to repeal §33-25C-5, §33-25C-6, §33-25C-7, §33-25C-9 and §33-25C-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-16H-1, §33-16H-2, §33-16H-3 and §33-16H-4, all relating to adverse benefit determinations by insurance companies and managed care organizations; mandating utilization review and internal grievance processes; providing for external review of adverse determinations; defining terms; providing for judicial review of certain

decisions; providing that a decision rendered by an independent review organization that is adverse to the issuer is binding on the issuer and not subject to further review; preserving other causes of action; deleting similar provisions applicable to only health maintenance organizations; and directing promulgation of emergency rules and proposal of legislative rules"; to the Committee on Banking and Insurance then the Judiciary.

SPECIAL CALENDAR

UNFINISHED BUSINESS

Com. Sub. for H. C. R. 4, The "USMC CPL Larry G. Curnutte Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 6, The "Sergeant Elzie Mundy, Jr. Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 14, The "Marine LCpl Benny A Gilco Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 16, The "Army Specialist-4 Harmon 'Hoppy' Lee Hopson Jr. Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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. C. R. 38, The "James Darrell Mangrum Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 44, Requesting a study on the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia; coming up in regular order, as unfinished business, was reported by the Clerk.

Delegates Armstead, O'Neal, Lane and Sobonya moved to amend the resolution on page one, line eight, by striking out the resolution and inserting in lieu thereof the following:

"Requesting the Joint Committee on Government and Finance study the effectiveness and efficiency of the Supreme Court Rules on the Appeals process in West Virginia and the need for any additional steps to ensure the effectiveness and accessibility of the appellate process.

WHEREAS, The United States Constitution and the West Virginia Constitution provide that each citizen is guaranteed a fair hearing in the courts of this nation; and

WHEREAS, There has been a review of West Virginia courts by commissions appointed by the executive branch of government; and

WHEREAS, As a result of concerns relating to West Virginia's appeals process, in December, 2011, the West Virginia Supreme Court adopted new appellate rules relating to judicial review and written decisions on each appeal filed with that court; and

WHEREAS, Some citizens and entities continue to express a belief that West Virginia's courts are unfair to litigants and are harmful to the business climate in this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the effectiveness and efficiency of the Supreme Court Rules on the appeals process in West Virginia and the need for any additional steps to ensure the effectiveness and accessibility of the appeals process including the possible creation of an intermediate court of appeals; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature on the first day of the regular session, 2014, on its findings, conclusions and recommendations together with drafts of any legislation to effectuate its recommendations in order to make certain that West Virginia's judicial system is fair in its procedures and processes for citizens and businesses; 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."

The Speaker put the question on the amendment and the same did not prevail.

The resolution was then adopted.

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

Delegate Andes asked to be recorded as having voted "YEA" on the amendment to H. C. R. 44.

Com. Sub. for H. C. R. 55, The "Trooper Brian William Linn Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 59, The "Corporal Gerry Glen Simpson Memorial Bridge, United States Army"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 68, The "Army Maj. Gen. Charles C. Rogers Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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 H. B. 2046, Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act"; on third reading, coming up in regular order, was reported by the Clerk.

Delegates Hamrick and Miley asked and obtained unanimous consent to amend the bill on third reading.

On motion of Delegates Hamrick and Miley, the bill was amended on page two, section ten, line two, after the word "carrier", by inserting the word "or".

On page two, section ten, line ten, after the word "carrier", by inserting the word "or".

On page two, section ten, line fifteen, after the word "carrier", by inserting the word "or".

On page three, section ten, line nineteen, after the word "carriers", by striking out the words "internet account provider" and inserting in lieu thereof the words "or internet account providers".

And,

On page three, section ten, line thirty, after the word "carriers", by striking out the words "internet account provider" and inserting in lieu thereof the words "or internet providers".

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

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 30)**, and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Folk.

ABSENT AND NOT VOTING: Fragale, Hunt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2046) 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. 2171, Relating to review of state administrative agency rule making; on third reading, coming up in regular order, with an amendment pending, was reported by the Clerk.

At the request of Delegate Boggs, and by unanimous consent, the bill was laid over.

Com. Sub. for H. B. 2497, Requiring applicants for real estate licensure to undergo criminal history record checks; 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. 31)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Fragale, Hunt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2497) 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. 2603, Relating to the Family Protection Services Board; 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. 32)**, and there were—yeas 91, nays 6, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Andes, Butler, Cadle, Gearheart, Householder and J. Nelson.

ABSENT AND NOT VOTING: Fragale, Hunt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2603) passed.

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

On this question, the yeas and nays were taken **(Roll No. 33)**, and there were—yeas 90, nays 7, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Butler, Cadle, Gearheart, Householder, Howell, Kump and J. Nelson.

ABSENT AND NOT VOTING: Fragale, Hunt and L. Phillips.

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. 2603) 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. 2762, Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system; 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. 34)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Fragale, Hunt, L. Phillips and Reynolds.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2762) 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. 2770, Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed; on third reading, coming up in regular order, was read a third time.

Delegate Miller requested to be excused from voting on the passage of H. B. 2770 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited

no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 35)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Fragale, Hunt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2770) 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. 2819, Relating to the financial oversight of entities regulated by the Insurance Commissioner; 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. 36)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Fragale, Hunt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2819) 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. 2847, Relating to the collection of delinquent real property and personal property taxes; 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. 37)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Fragale, Hunt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2847) 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

H. B. 2861, Relating to continued enrollment of at-risk student in public school; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

At 12:23 P.M., on motion of Delegate Boggs, the House of Delegates recessed until 3:00 P.M., and reconvened at that time.

* * * * * * *

AFTERNOON SESSION

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MESSAGES FROM THE SENATE

A message from the Senate, by

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

S. B. 108 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-12A-1, §61-12A-2, §61-12A-3, §61-12A-4, §61-12A-5 and §61-12A-6, all relating to the creation of the Unintentional Pharmaceutical Drug Overdose Fatality Review Team under the Office of the Chief Medical Examiner; setting forth legislative findings; setting forth membership of the team and terms of office; setting forth responsibilities of the team; providing for certain actions the team may not take in exercising its duties;

providing for an annual report to the Governor and Legislature and its contents; providing for confidentiality of the team's proceedings, records and opinions; setting forth record-keeping requirements; authorizing access to certain records; requiring other state and local agencies to cooperate with the team; and granting rule-making authority"; which was referred to the Committee on Health and Human Resources then Government Organization.

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. 353 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5C-1, §15-5C-2, §15-5C-3 and §15-5C-4, all relating to establishing the First Informer Broadcasters Act; defining terms; permitting broadcasters to develop plans for preparing and responding to emergencies and disasters; permitting broadcasters to train and certify certain personnel to be first informer broadcasters; setting forth what training and certification plans must contain; and requiring, to the extent practicable, government agencies to allow first emergency broadcasters access to emergency areas to repair equipment critical to their emergency broadcasting responsibilities"; which was referred to the Committee on Veterans' Affairs and Homeland Security 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. 359 - "A Bill to repeal §18-2-23a and §18-2-32 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-5c of said code; to repeal §18-2I-6 and §18-2I-7 of said code; to repeal §18A-3A-2a and §18A-3A-6 of said code; to amend and reenact §18-1-4 of said code; to amend and reenact §18-2-24 of said

code; to amend said code by adding thereto a new section, designated §18-2-39; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-2I-1, §18-2I-2, §18-2I-3, §18-2I-4 and §18-2I-5 of said code; to amend and reenact §18-3-1 and §18-3-12 of said code; to amend said code by adding thereto a new section, designated §18-3-9b; to amend and reenact §18-5-18, §18-5-44 and §18-5-45 of said code; to amend and reenact §18-5A-5 of said code; to amend and reenact §18A-2-1 and §18A-2-7 of said code; to amend said code by adding thereto two new sections, designated §18A-3-1d and §18A-3-1e; to amend and reenact §18A-3-2a of said code; to amend and reenact §18A-3A-1, §18A-3A-2 and §18A-3A-3 of said code; to amend and reenact §18A-4-2a, §18A-4-7a, §18A-4-8, §18A-4-8a and §18A-4-14 of said code; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-1-2 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3 and §18C-4-4 of said code; and to amend said code by adding thereto three new sections, designated §18C-4A-1, §18C-4A-2 and §18C-4A-3, all relating to transforming and improving public education; removing outdated language; requiring the State Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college- and career-readiness standards for English/language arts and math; providing methods for determining whether students have met the college- and career-readiness standards; requiring that an explicit focus be embedded in each course on the development of English/language arts and math skills; requiring a twelfth-grade transitional course for both English/language arts and math for students not on track to be college ready; requiring professional development on teaching the college- and career-readiness standards to be included in the State Board's Master Plan for Professional Staff Development; requiring the state board to require all teacher preparation programs to include appropriate training for teaching adopted standards in at least grades eight through twelve; requiring the use of certain assessments, exams or tests for determining whether a student is eligible for a remedial course; requiring accountability for increasing the percentage of

students who meet the standards and for increasing the percentage of students who are making adequate progress toward meeting the standards; removing requirement applicable to annual county and school strategic improvement plans; modifying requirements for high-quality education standards for student, school and school system performance and processes; modifying requirements pertaining to a comprehensive statewide student assessment program; removing provisions relating to No Child Left Behind annual measures; modifying provisions pertaining to the state annual performance measures for school and school system accreditation; removing provisions pertaining to requiring the standards to include indicators of exemplary student, school and school system performance and progress; eliminating the Process for Improving Education Council; modifying component of system of education performance audits; expanding state board authority pertaining to the Office of Education Performance Audit's reporting formats; eliminating condition for on-site review; removing prohibition of certain duplicate reviews or inspections; removing provisions pertaining to persons who are to conduct an on-site review; removing list of areas for which the office may not review; modifying provisions pertaining to school accreditation; removing provision allowing a student to transfer from a low-performing school under certain conditions; professional development; establishing clear state-level leadership of professional development; providing findings on the importance of professional development; requiring State Board of Education to develop a master plan for professional development; requiring submission of plan to certain entities; requiring goals to be established and included in the master plan; requiring state board rules; setting forth minimum components of the rule; requiring annual report on the statewide professional development plan; modifying language pertaining to the Strategic Staff Development Fund; modifying State Superintendent of Schools qualifications and removing his or her salary limit; requiring State Superintendent to reduce the amount budgeted for personal services, related employee benefits and contractual expenditures related to employment in fiscal years 2014 and 2015; increasing the

number of schools to be included in a special community development pilot program; modifying other provisions pertaining to the pilot program; requiring kindergarten and early childhood aides to transition to one of three new assistant teacher positions after date certain; exempting those eligible for retirement before July 1, 2020; requiring early childhood education programs to be made available five days a week for the full day; allowing program to be for fewer than five days per week and less than full day under certain circumstances; allowing parent to withdraw child for good cause; providing for local control of the school calendar; defining terms and establishing findings about the school calendar; requiring a 200-day employment term; requiring one hundred eighty separate days of actual instruction are to be provided for students; requiring school term to include out-of-calendar days that are to be used for instructional days in the event school is canceled; requiring county policy for adding minutes or days to school calendar for certain purpose; requiring that one hundred eighty days be within a 365-day period set by the county board; limiting noninstructional interruptions to instructional day; requiring state board or State Superintendent approval of proposed county calendar; requiring public meetings for discussions of a school system's calendar; allowing the state board to grant a waiver to certain code sections that prevent a school system from meeting one hundred eighty instructional days; requiring state board rule to implement the calendar section provisions; removing language about faculty senates on instructional support and enhancement days; requiring the local board to provide at least four additional two-hour blocks of time during noninstructional days, with each block scheduled once at least every forty-five instructional days; prohibiting principals from recommending for employment certain individuals that are related to him or her; allowing reassignment of teachers when a vacancy was not foreseen before March 1 based on pupil-teacher ratio; requiring state board to determine whether a group qualifies as a national teaching corps; allowing participants in a national teaching corps to become classroom teachers; creating a critical need alternative teacher certificate; providing that the certificate is only valid for teaching in subject areas, public schools or

geographic areas in which the state board determines that critical teacher shortages exist; providing that the certificate is a two-year certificate that can be renewed for one year; setting forth minimum requirements to receive a critical need alternative teacher certificate; creating a professional support team for these new teachers; recommendation for certification of teachers on the critical need alternative teaching certificate by support team; requiring state board rules that must at least include additional requirements for a person with a critical need alternative teaching certificate to obtain a professional certificate; amending requirements for professional teaching certificates through alternative certifications; further defining 'critical need alternative teaching certificates'; providing for salary bonus for classroom teachers with a National Board for Professional Teaching Standards renewal certificate; providing for reimbursement of the renewal certification fee; removing language that limits the number of board-certified teachers who can receive reimbursement per year; adding seniority to the list of factors to be considered when filling vacancies in professional positions of employment; eliminating restrictive hiring language for classroom teaching positions; allowing county boards to give consideration to recommendations made by the principal and the faculty senate; allowing released employees to be hired for certain vacancies prior to the job being posted; limiting bumping to within a school with county seniority; allowing for multiple postings within a thirty-day period under certain conditions; removing language that limits internal school bumping to elementary school; allowing reassignment of a teacher within his or her school upon consent of teacher and county board; eliminating the 43-week limit on the employment term for service personnel; creating three new types of early childhood classroom assistant teacher positions; assigning a pay grade to the new positions; requiring state board study on planning periods; clarifying that not all holidays will be counted as a day of the employment term and that pay per pay period cannot change as a result; providing that snow days are not counted as days of employment or days of instruction; providing definitions; scholarships and loan assistance for teachers in critical need areas; creating loan

assistance program; determining subject and geographic areas of critical need; requiring legislative rules for program administration; revising eligibility criteria and specifying effective date; determining eligibility and awarding loan assistance; establishing criteria for inclusion in scholarship and loan assistance agreements; requiring payments to be made directly to a lending entity; requiring model contract agreements; specifying loan amount, limits and duration of loan assistance; requiring repayment under certain conditions; specifying excusal from repayment under certain conditions; and making technical corrections and deleting obsolete language"; which was referred to the Committee on Education.

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. 412 - "A Bill to amend and reenact §19-21A-7 of the Code of West Virginia, 1931, as amended, relating to removal of elected county conservation district supervisors from office"; which was referred to the Committee on Agriculture then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 464 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4, §16-45-5 and §16-45-6, all relating generally to regulation of tanning facilities; defining terms; setting forth requirements for registration, inspection and obtaining a permit; requiring a consent form; setting forth consent form language; creating operating standards; prohibiting the use of tanning devices by anyone under the age of eighteen; granting rule-making authority to the

Department of Health and Human Resources to regulate tanning facilities; setting forth minimum requirements for the rule; allowing fees; and establishing criminal penalties"; which was referred to the Committee on Health and Human Resources then the Judiciary.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Fragale and L. Phillips.

At 3:07 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, March 19, 2013.

TUESDAY, MARCH 19, 2013

THIRTY-FIFTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Monday, March 18, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates E. Nelson, Ambler, Anderson, Andes, Campbell, Canterbury, Craig, Ellington, A. Evans, D. Evans, Ferns, Gearheart, Hartman, Householder, Howell, Ireland, Miley, Pasdon, Perdue, R. Phillips, Raines, Staggers, Walters and White offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 82 - "Requesting the Joint Committee on Government and Finance study methods to insure the long-term fiscal stability of the PROMISE scholarship program."

WHEREAS, PROMISE scholarship recipients constitute a vital portion of our state's youth; and

WHEREAS, Recipients of the PROMISE scholarship have much to contribute to the social, economic and cultural well-being of the State; and

WHEREAS, It is the desire of the Legislature to provide an incentive for these students to remain in West Virginia at the end of their undergraduate careers; and

WHEREAS, It is the desire of the Legislature to insure that the PROMISE scholarship program be fully funded in such manner as to provide both for the future of West Virginia's young scholars and its own viability; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the history of the PROMISE scholarship program, including delineating precisely the amount of funds expended in each year, the number of students in each year receiving the award, and the number and location of the schools receiving the funds disbursed; and, be it

Further Resolved, That the committee shall examine and have data compiled delineating the number of students receiving the scholarship who dropped out of college in each year, the number of students who continued their education to receive their diplomas, how long it took them to graduate, their rate of employment, the average time it took them to find employment, and where they currently reside and are employed; and, be it

Further Resolved, That the committee shall consider the impact of various strategies to improve rates of retention and graduation; and, be it

Further Resolved, That the committee shall consider the impact of means testing the award of the PROMISE scholarship, by making it conditional to the income level of the students applying and their parents; and, be it

Further Resolved, That the committee shall examine the approval process and the criteria used for approval and award of the scholarship since the PROMISE scholarship program began; and, be it

Further Resolved, That the committee shall examine the rise in the costs of tuition at West Virginia higher education institutions since the PROMISE scholarship program began, and determine if these increases are in any manner linked to the existence of the program; and, be it

Further Resolved, That the committee shall consider all such information or documentation as the committee may request in order to achieve the goals of this resolution; and, be it

Further Resolved, That the committee report to the regular session of the Legislature, 2014, 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 Caputo, Manchin, Fleischauer, Poore, Lynch, Perdue, Longstreth, Manypenny, Diserio, Jones and Swartzmiller offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 83 - "Requesting the Joint Committee on Government and Finance study viable alternatives to placing children in maximum security environments."

WHEREAS, The Legislature desires, after reading the details of the lawsuit filed by Mountain State Justice regarding the inappropriate living and treatment conditions at the West Virginia Industrial Home for Youth, to study the viable alternatives to placing children in maximum security environments; and

WHEREAS, When children are removed from the West Virginia Industrial Home for Youth they may be sent to maximum security detention centers replete with cells, bars and correctional officers that offer little, if any, difference in environment for those children; and

WHEREAS, Private providers of behavioral health services for children may be able to treat security residents in a residential setting so as to provide an appropriate environment for treatment; and

WHEREAS, There may be many potential benefits to transitioning children currently incarcerated in maximum security settings to private behavioral health centers; and

WHEREAS, Transitioning children away from maximum security facilities to private residential facilities, could make further capacity available for the overcrowded adult inmate population and capacity for the most severe juvenile offenders would remain within its current system; and

WHEREAS, There may be less liability to the state by eliminating the risk of construction of new buildings and the inherent risks with being responsible for the well-being of staff; and

WHEREAS, Private residential facilities with behavior health licenses allow Medicaid providers to bill for services rendered; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study viable alternatives to placing children in maximum security environments; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 J. Nelson, R. Smith, Caputo, Tomblin, Iaquinta, Miley, Marcum, White, Moore, Manchin and Andes offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 84 - "Declaring the 'pepperoni roll' to be the official State Food of West Virginia."

WHEREAS, Often referred to as the "unofficial state food of West Virginia," the simple-to-make pepperoni roll is more than the sum of its parts, every single bite is filled with soft, warm bread infused with flavor from the freshly cut, delicately seasoned pepperoni; and

WHEREAS, Philadelphia may have its cheese steak and New York its bagels, the pepperoni roll was first created in Fairmont, around 1927 by Italian immigrant baker, Giuseppe "Joseph" Argiro, and it should be no surprise that it quickly became a daily staple for coal miners and struggling families; and

WHEREAS, In 1987 when the United States Department of Agriculture proposed restrictions that threatened to put the family-owned bakeries of pepperoni rolls out of business, West Virginia Pepperoni Roll producers contacted Senator Jay Rockefeller who intervened and successfully saved the entire industry; and

WHEREAS, Today, the humble pepperoni roll is ubiquitous around the mountain state and may be found in restaurants, bakeries, convenience stores and family kitchens, eaten cold or hot, this simple food continues to sustain West Virginians from every walk of life, coal miners, artists, business people and students; and

WHEREAS, Country Club, Tomarro's and Chico's Dairy are only a few names that may not be in business today if the proposed change had been implemented. The pepperoni roll is as popular as ever and is enjoyed every day throughout West Virginia and the states that our bakeries supply; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby recognizes the significance of the "pepperoni roll" in the state and by so doing declares that the "pepperoni roll" is the official state food of West Virginia; and, be it

Further Resolved, That all citizens of West Virginia to join in recognizing the value and importance of pepperoni rolls in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the pepperoni roll bakeries of West Virginia.

Delegates Moore, White, Marcum and L. Phillips offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 85 - "Requesting the Division of Highways to rename the Roderfield Box Beam Bridge, bridge number 24-52-12.79 crossing over Spice Creek in McDowell County, the 'Carnie L. Spratt Memorial Bridge'."

WHEREAS, Carnie L. Spratt was born in May 1901, in Baileysville, West Virginia; and

WHEREAS, Carnie L. Spratt and two brothers were in the logging business and when they secured a contract to log old Route 52 from Roderfield to Iaeger in the mid-1930's they moved to Roderfield; and

WHEREAS, Carnie L. Spratt and his brothers purchased land and built homes for their families; and

WHEREAS, Carnie L. Spratt and his brothers built the sawmill there and their company's name was Spratt Brothers Lumber Company; and

WHEREAS, Carnie L. Spratt then branched out and built the Roderfield Gulf Service Station, the first motel in McDowell County and the Drive In Grill Restaurant — all were located at the intersection of State Route 7 and U. S. Route 52; and

WHEREAS, Carnie L. Spratt and his businesses became well known and well liked in McDowell County; and

WHEREAS, Carnie L. Spratt passed away in April 1981; and

WHEREAS, It is fitting to honor Carnie L. Spratt for his commitment, dedication and the role he played in the development of McDowell County and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to rename the Roderfield Box Beam Bridge, bridge number 24-52-12.79 crossing over Spice Creek in McDowell County, the "Carnie L. Spratt 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 "Carnie L. Spratt Memorial Bridge"; and, be it

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

Delegates E. Nelson, Ambler, Anderson, Andes, Ashley, Butler, Campbell, Canterbury, Cowles, Craig, Ellington, A. Evans, D. Evans, Ferns, Gearheart, Hartman, Householder, Howell, Lane, McCuskey, Miley, Miller, Pasdon, R. Phillips, Raines, Reynolds, Sobonya, Staggers, Storch, Sumner and Walters offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 86 - "Requesting the Joint Committee on Government and Finance study methods to insure the long-term fiscal stability of the 529 education savings plans offered by the State."

WHEREAS, Our 529 Savings Plans offer a vital mechanism for funding education opportunities for West Virginia's youth; and

WHEREAS, The continued maintenance of our 529 Savings is vital to the well-being of the state; and

WHEREAS, It is the desire of the Legislature to provide a safe and efficient funding mechanism for students to have their education funded with as little incurred debt as possible; and

WHEREAS, It is the desire of the Legislature to insure that the 529 Savings Plans be managed in such manner as to provide both for the future of West Virginia's young scholars and their own continued viability; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the history of the 529 Savings Programs, including delineating precisely the amount of funds invested in each year, the number of persons in each year depositing funds in our savings programs, and the number and type of each of the savings funds available; and, be it

Further Resolved, That the committee shall examine and have data compiled delineating the annual return on each fund since its inception, the number and kind of such funds that are and have been available, the management of each fund, and other important factors; and, be it

Further Resolved, That the committee shall consider the impact of various strategies employed by other states, including comparing West Virginia's offered plans to other states in type, kind and performance; and, be it

Further Resolved, That the committee shall consider the impact of fund management methods used by other states, including, but not limited to, putting management services for the funds out for competitive bidding; and, be it

Further Resolved, That the committee shall examine the expenses tallied by the 529 funds offered by the State of West Virginia since the program began; and, be it

Further Resolved, That the committee shall consider all such information or documentation as the committee may request in order to achieve the goals of this resolution; and, be it

Further Resolved, That the committee report to the regular session of the Legislature, 2014, 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 Skaff, McCuskey, E. Nelson, Raines, Guthrie, Hunt, Wells, Poore, Lane, Walters, Armstead, Ambler, Anderson, Andes, Azinger, Barill, Barrett, Boggs, Border, Butler, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Hamilton, Hamrick, Hartman, Householder, Howell, Ireland, Jones, Lawrence, Lynch, Manchin, Manypenny, Marcum, Marshall, Miley, Moore, Morgan, Moye, O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, Pethtel, R. Phillips, Pino, M. Poling, Reynolds, Rowan, Shott, Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Walker, White, Williams and Young offered the following resolution, which was read by the Clerk as follows:

H. R. 24 - "Designating March 19, 2013, as 'West Virginia State University Day'."

WHEREAS, West Virginia State University was founded under the provisions of the Second Morrill Act of 1890 as the West Virginia Colored Institute, one of seventeen land-grant institutions authorized by Congress and designated by the states; and

WHEREAS, In 1927, under the leadership of President John W. Davis, through the expansion of academic programs and the construction of new buildings, the Institution was accredited by the North Central Association and holds the longest continuous accreditation of any college or university in West Virginia; and

WHEREAS, In 1929, the Institution became known as West Virginia State College and over the next decades, West Virginia State College was recognized as one of the leading public institutions of higher education for African-Americans; and

WHEREAS, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State College rapidly transitioned to an integrated institution. The University now serves a predominantly white, nontraditional, aged, commuter population; and

WHEREAS, In 2004, the West Virginia Legislature approved the transition to University status; and

WHEREAS, West Virginia State University now offers seventy-two academic program options leading to twenty-one baccalaureate and four master's degrees; and

WHEREAS, West Virginia State University is actively working with other state institutions of higher education to create additional pathways for degree-seeking students; and

WHEREAS, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves twenty-nine

counties daily. These services aid approximately 15,000 people throughout the year, including 10,000 children through summer food programs; and

WHEREAS, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the areas of biotechnology, plant, microbial and animal research; and

WHEREAS, With every dollar the state invests in West Virginia State University, the University generates nearly $16 spent in the West Virginia economy, resulting in an estimated economic output of $254 million per year; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby designates March 19, 2013, as "West Virginia State University Day"; and, be it

Further Resolved, That the House of Delegates hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Dr. Brian O. Hemphill, President of West Virginia State University.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 24) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegates Overington, Canterbury, Ambler, E. Nelson, Hunt, McCuskey, D. Evans, Ashley, Ellem, Ellington and Espinosa offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 25 - "Amending House Rule No. 94, relating to increasing the allowable number of joint sponsors of a bill."

Resolved by the House of Delegates:

That House Rule No. 94 be amended to read as follows:

Joint Sponsors of Bill

94. A bill may be introduced bearing the names of not more than twenty-five members as joint sponsors of the bill.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 20, Honoring the victims and survivors of the 1972 Blacksville Mine Fire,

H. C. R. 18, The "Cpl. Sherald P. Brady, U.S. Army Memorial Bridge",

H. C. R. 20, The "Army Corporal Rex Marcel Sherman Memorial Bridge",

H. C. R. 21, The "Upshur Civil War Company 'C' Militia Memorial Highway",

H. C. R. 30, The "Army Sergeant Thomas Lawrence Dunithan Memorial Highway",

H. C. R. 47, The "Thomas B. Dunn Memorial Highway",

And,

H. C. R. 63, The "US Army SFC James Edward Duncan Memorial Bridge",

And reports the same back with the recommendation that they each be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 10, The "Staff Sergeant Lesley Wayne Reed Memorial Bridge",

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

Com. Sub. for H. C. R. 10 - "Requesting the Division of Highways name bridge number 49-9-0.21 in Tennerton, Upshur County, West Virginia the 'Staff Sergeant Lesley Wayne Reed US Army Memorial Bridge'."

And,

H. C. R. 19, The "Corporal Ronald Lee Kesling Memorial Bridge",

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

Com. Sub. for H. C. R. 19 - "Requesting that bridge number 49-3/4-2.40 in the Community of Kesling Mill in Upshur County, West Virginia, be named the 'Corporal Ronald Lee Kesling USMC Memorial Bridge'."

With the recommendation that the committee substitutes each be adopted.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2877, Permitting the Director of the Public Employees Insurance Agency to operate any of the agency's health benefits plans on a calendar year,

And,

H. B. 2909, Relating to air-ambulance fees paid by the West Virginia Public Employees Insurance Agency,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2877 and H. B. 2909) were each referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2623, Department of Environmental Protection, water pollution control permit fee schedules,

H. B. 2636, Racing Commission, greyhound racing,

H. B. 2637, Racing Commission, legislative rule relating to pari-mutuel wagering,

H. B. 2650, Broadband Deployment Council, broadband deployment grants programs,

H. B. 2653, Consolidated Public Retirement Board, benefit determination and appeal,

H. B. 2655, Consolidated Public Retirement Board, Public Employees Retirement System,

H. B. 2679, Lottery Commission, state lottery rules,

H. B. 2695, Division of Protective Services, contracted police or security services,

And,

H. B. 2712, Racing Commission, thoroughbred racing,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2623, H. B. 2636, H. B. 2637, H. B. 2650, H. B. 2653, H. B. 2655, H. B. 2679, H. B. 2695 and H. B. 2712) were each referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2661, State Fire Commission, volunteer firefighters' training, equipment and operating standards,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2661) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2613, Authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police,

H. B. 2625, Development Office, use of coalbed methane severance tax proceeds,

H. B. 2643, Department of Administration, selecting design-builders under the Design-Build Procurement Act,

H. B. 2644, Department of Administration, state owned vehicles,

H. B. 2645, Commissioner of Agriculture, poultry litter and manure movement into primary poultry breeder rearing areas,

H. B. 2652, Consolidated Public Retirement Board, general provisions,

H. B. 2654, Consolidated Public Retirement Board, Teachers' Retirement System,

H. B. 2708, State Tax Department, valuation of commercial and industrial real and personal property for ad valorem property tax purposes,

H. B. 2709, Treasurer's Office, enforcement of the Uniform Unclaimed Property Act,

And,

H. B. 2714, Department of Health and Human Resources, chronic pain management clinic licensure,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2613, H. B. 2625, H. B. 2643, H. B. 2644, H. B. 2645, H. B. 2652, H. B. 2654, H. B. 2708, H. B. 2709 and H. B. 2714) were each referred to the Committee on the Judiciary.

Delegate Miley, 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. 2534, Relating to the regulation of pawn brokers,

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

Com. Sub. for H. B. 2534 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, as amended, by adding thereto a new article, designated §47-26-1, §47-26-2, §47-26-3, §47-26-4 and §47-26-5, all relating to the regulation of pawn brokers; defining terms; requiring transaction records; specifying misdemeanor criminal penalty for violations; requiring record retention; and allowing for additional local regulation by municipalities or counties,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2814, Relating to human trafficking,

And,

H. B. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release,

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

BILLS INTRODUCED

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

By Delegates Manypenny, Kump, Wells, Moore, Canterbury, Morgan, Diserio, Stephens, Reynolds and Fragale:

H. B. 2961 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12, §16-8A-13, §16-8A-14, §16-8A-15, §16-8A-16, §16-8A-17, §16-8A-18, §16-8A-19, §16-8A-20, §16-8A-21, §16-8A-22, §16-8A-23, §16-8A-24, §16-8A-25 and §16-8A-26, all relating to creating the Compassionate Medical Marijuana Use Act of 2013; protecting patients with debilitating medical conditions, as well as their practitioners and providers, from arrest and prosecution, criminal and other penalties, and property forfeiture, if such patients engage in the medical use of marijuana; providing that the West Virginia Department of Health and Human Resources administer the provisions of the act providing short title; legislative findings; definitions; promulgation of rules; requiring annual reports; limitations of act; prohibiting discrimination; authorizing registered compassion centers; registration of qualifying patients and designated caregivers; issuance of registry identification cards; creating oversight committee; creating the 'Drug and Abuse Prevention Fund' to receive sales tax imposed on all sales of marihuana in this state; providing civil penalties and criminal penalties; providing affirmative defense and dismissal for medical marijuana; providing that circuit court of Kanawha County has jurisdiction to hear petitions and appeals concerning provisions of act; enforcement; and severability"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate White:

H. B. 2962 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-22, relating to exemptions from the tax on the privilege of severing natural gas and oil; terminating a severance tax exemption for natural gas or oil produced from any well that has not produced marketable quantities for five consecutive years immediately preceding the year in which such well is placed back into production and thereafter produces marketable quantities of natural gas or oil; providing an exception; and specifying a controlling effective date"; to the Committee on the Judiciary then Finance.

By Delegates Marshall, Barill, Fleischauer, Caputo, Stephens, Manchin, Iaquinta, Moore, Marcum, White and Skinner:

H. B. 2963 – "A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to providing educators released time to serve on county commissions"; to the Committee on Education then Finance.

By Delegates Lawrence, Skaff, Caputo, Diserio, Skinner, R. Phillips, Sponaugle and Westfall:

H. B. 2964 – "A Bill to amend and reenact §8-10-1 of the Code of West Virginia, 1931, as amended, relating to police; authorizing the mayor to appoint chiefs of police and deputy chiefs of police; and allowing chiefs of police and deputy chiefs of police to be reinstated to the rank that he or she previously held"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Hunt and Sponaugle

[By Request of the Secretary of State's Office]:

H. B. 2965 - "A Bill to repeal §3-1-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-2a, §3-1-4, §3-1-21, §3-1-21a, §3-1-22, §3-1-26, §3-1-32, §3-1-36, §3-1-37, §3-1-38, §3-1-39, §3-1-41, §3-1-42 and §3-1-49 of said code, all relating to cleaning up outdated language in article one, chapter three of the West Virginia Code"; to the Committee on the Judiciary.

By Delegates Skinner, Lawrence, Barrett, Young, Sponaugle, Lynch, Tomblin, Eldridge, Poore, Marcum and Caputo:

H. B. 2966 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1, §21-5G-2, and §21-5G-3, all relating to employment and privacy protection; prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through certain electronic communications devices; prohibiting an employer from taking or threatening to take, certain disciplinary actions for an employee's refusal to disclose certain password and related information; prohibiting an employer from failing or refusing to hire an applicant as a result of the applicant's refusal to disclose certain password and related information; prohibiting an employee from downloading certain unauthorized information or data to certain Web sites or Web-based accounts; providing that an employer is not prevented from conducting certain investigations for certain purposes; and defining terms"; to the Committee on the Judiciary.

By Delegates Perry, Staggers, Pino, Moore, Moye, Barill, Eldridge and Lynch:

H. B. 2967 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-16, relating to prohibiting the publication of the identities of persons who have been issued licenses to carry a concealed deadly weapon"; to the Committee on the Judiciary.

By Delegates Boggs and Young:

H. B. 2968 – "A Bill to amend and reenact §5A-8-20 of the Code of West Virginia, 1931, as amended, relating to the creation of preservation duplicates of state records and destruction of the original records; authorizing the use of additional medium for use in archiving the records; setting forth the standards the additional medium must meet; requiring the state records administrator to establish a procedure for executive agencies to follow; permitting, consistent with the State

Constitution, each house of the Legislature to determine on its own or jointly the procedure for the storage of legislative records; permitting any person or entity to purchase one copy of any archived or preserved state record; and defining a term"; to the Committee on the Judiciary.

By Delegates Manypenny, Walker, Swartzmiller, Canterbury and A. Evans:

H. B. 2969 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-2B-13, relating to poultry inspection exemptions"; to the Committee on Agriculture then the Judiciary.

By Delegates Lawrence, Williams, Eldridge, Barrett, Perry, Campbell and Skinner:

H. B. 2970 – "A Bill to amend and reenact §18-9A-2, §18-9A-4, §18-9A-10, §18-9A-11, §18-9A-13b and §18-9A-21 of the Code of West Virginia, 1931, as amended, all relating to reforming the school aide formula by reducing over two years from ninety percent to eighty, then to seventy percent the amount of the regular levy deducted from county boards of education for general current expense purposes; ensuring that improved instructional programs receive at least $33 million annually; by providing at least $5 million to the State Board of Education to assist low performing schools; capturing moneys from declining enrollment and direct it to salaries of classroom teachers and service personnel; and requiring at least an $8 million annual appropriations for alternative education programs"; to the Committee on Education then Finance.

By Delegates Ferro, Reynolds, Storch and Walters:

H. B. 2971 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6 and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording

of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Council to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Council pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that this act modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act"; to the Committee on the Judiciary then Finance.

By Delegates Walters and Miley:

H. B. 2972 – "A Bill to amend and reenact §44-10-14 of the Code of West Virginia, 1931, as amended, relating to providing for structured settlements for minors who are injured or otherwise suffer a loss; permitting annuities under certain circumstances; setting forth requirements for settlements that are less than $10,000 and for those that are more than $10,000; setting forth bonding requirements; defining terms; and identifying who may serve as a conservator"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Walters:

H. B. 2973 – "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to allowing county boards

of education with low density student populations to operate their schools on a four-day school week"; to the Committee on Education then Finance.

By Delegate Walters:

H. B. 2974 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13C-17; and to amend said code by adding thereto a new section, designated §11-24-9d, all relating to a tax deduction allowed for capital expenditures from the corporate net income tax"; to the Committee on Finance.

By Delegate Manypenny:

H. B. 2975 - "A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to the controlled substances monitoring generally; permitting specific law-enforcement officials who are members of federally affiliated drug task forces, including sheriffs, access to certain confidential pharmaceutical information to identify unusual prescription drug behavior; and establishing a felony offense for misusing information from the controlled substance database"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Walters, Canterbury, E. Nelson, Raines, Skaff, Barrett and Manchin:

H. B. 2976 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8d, relating to roads and highways; the West Virginia Commissioner of Highways; and authorizing the creation of a fund for pothole repair contributed to by private businesses or entities; and providing for recognition of the contribution of the private businesses or entities at the site of repair"; to the Committee on Roads and Transportation then Finance.

By Delegate Walters:

H. B. 2977 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-18,

relating to requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders upon request of a policyholder; and identifying the claims loss experience information to be provided"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Armstead, McCuskey, Walters and Lane:

H. B. 2978 – "A Bill to amend and reenact §21-5A-1 of the Code of West Virginia, 1931, as amended, relating to wages for construction of public improvements; and exempting Volunteer Fire Departments from the definition of 'public authority' if it is constructing a facility to replace one that has been destroyed"; to the Committee on the Judiciary then Finance.

By Delegates Boggs, Skaff, E. Nelson, White, Morgan, M. Poling and Miley:

H. B. 2979 – "A Bill to amend and reenact §31-15C-2, §31-15C-8, §31-15C-9 and §31-15C-10 of the Code of West Virginia, 1931, as amended, all relating to broadband deployment projects; clarifying that the West Virginia Infrastructure and Jobs Development Council's public outreach and education efforts extend beyond unserved areas; revising the council's guidelines on requests for funding assistance; requiring projects for broadband service involving the construction of a network to meet the revised definition of 'broadband' before being approved; revising the criteria for funding assistance applications; providing that projects to promote demand may be on a regional or statewide basis; revising notice and posting requirements; and redefining certain terms"; to the Committee on Finance.

By Delegates Hunt and Sponaugle

[By Request of the Secretary of State's Office]:

H. B. 2980 – "A Bill to repeal §3-3-2a, §3-3-3a and §3-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-3-1, §3-3-2, §3-3-3, §3-3-4, §3-3-5, §3-3-5a, §3-3-5b, §3-3-5c, §3-3-8, §3-3-10 and §3-3-11 of said code; and to amend said code by

adding thereto two new sections, designated §3-3-3b and §3-3-3c, all relating to absentee and early in-person voting; specifically, to clean up and update existing language in the code"; to the Committee on the Judiciary then Finance.

By Delegates Howell, Paxton, Ashley, Iaquinta, Eldridge, Longstreth, Storch, Azinger, Rowan, Manchin and Miley:

H. B. 2981 – "A Bill to amend and reenact §15-1F-7 of the Code of West Virginia, 1931, as amended, relating to unlawful military organizations; and providing that historical reenactors are not violating the provision prohibiting unlawful military organizations"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Canterbury, Miller, Cooper and R. Smith:

H. B. 2982 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2A-10, relating to prohibiting the use of calculators for teaching purposes in grades K through eight"; to the Committee on Education then Finance.

By Delegates Canterbury, Pasdon, E. Nelson, Manypenny, Ambler, Miller, Andes and Staggers:

H. B. 2983 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to requiring inclusion of science fiction reading material in certain existing middle school and high school courses to stimulate interest in the fields of math and science"; to the Committee on Education then Finance.

By Delegate Canterbury:

H. B. 2984 – "A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, relating to assessment of real property; definitions; and providing that 'owner' includes the trustee of a trust or a majority of the voting shareholders of a limited liability company or corporation who reside on the real property which is the

subject of the trust or owned by a limited liability company or corporation and which has an annual production of agriculture or forest products that exceeds $5,000"; to the Committee on the Judiciary then Finance.

By Delegate Canterbury:

H. B. 2985 – "A Bill to amend and reenact §55-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing attorney fees and costs to the prevailing party in a court case in which adverse possession is asserted in either support of a claim or of a defense"; to the Committee on the Judiciary.

By Delegates Perdue, Perry, Cowles, Poore, Staggers and Storch:

H. B. 2986 – "A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to the health sciences service program; expanding eligibility"; to the Committee on Education then Finance.

By Delegates Perdue, Perry, Eldridge, Ellington, Lawrence, Poore and Staggers:

H. B. 2987 – "A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to methadone and treatment program required reports"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pino, Hartman, Lynch, Skaff, Swartzmiller, Boggs and Caputo:

H. B. 2988 – "A Bill to amend and reenact §29-26-2, §29-26-5 and §29-26-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated §29-26-7, §29-26-8, §29-26-9, §29-26-10, §29-26-11, §29-26-12, §29-26-13 and §29-26-14, all relating to providing the West Virginia Courthouse Facilities Improvement Authority with the ability to issue bonds to raise funds for paying the costs of approved modifications or

construction of courthouse facilities; defining terms; adding bond-related activities to the powers of the authority; providing that moneys from the West Virginia Courthouse Facilities Improvement Fund may be disbursed for payment of debt service on bonds; authorizing the authority to issue bonds; setting circumstances for bond issuance and potential terms of bonds; authorizing repayment of debt; permitting bonds be secured by trust agreement and setting certain parameters; permitting refunding bonds; clarifying that bonds by the authority are not a pledge of faith and credit of the state, county, municipality or other subdivision of the state; declaring bonds issued as negotiable instruments under the Uniform Commercial Code; exempting all bonds by the authority, as well as interest and income thereon, from taxation by the state or any subdivision; declaring that certain individuals have no personal liability in relation to issuance of bonds; and granting cumulative authority for exercising certain powers, including if no bonds are issued by the authority"; to the Committee on Finance.

SPECIAL CALENDAR

UNFINISHED BUSINESS

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

H. C. R. 45, The "Army PFC French E. Marsh Memorial Bridge",

H. C. R. 46, The "Martha Ellen Taylor & Sons Memorial Bridge",

And,

H. C. R. 58, The "Marine Lance Corporal Michael Steven Garrett Memorial Bridge".

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

THIRD READING

H. B. 2861, Relating to continued enrollment of at-risk student in public school; on third reading, coming up in regular order, was read a third time.

Delegate Lane requested to be excused from voting on the passage of H. B. 2861 under the provisions of House Rule 49.

The Speaker replied that the Gentleman was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

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

ABSENT AND NOT VOTING: Ellem, Fragale and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2861) passed.

Delegate Boggs moved that the bill take effect July 1, 2013.

On this question, the yeas and nays were taken **(Roll No. 39)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ellem, Fragale and L. Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2861) takes effect July 1, 2013.

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

FIRST READING

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

H. B. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services,

Com. Sub. for H. B. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors,

And,

H. B. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.

At 11:55 A.M., on motion of Delegate Boggs, the House of Delegates recessed until 5:00 P.M., and reconvened at that time.

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EVENING SESSION

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MESSAGES FROM THE SENATE

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. 183 - "A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of 'federal taxable income' and certain other terms used in the West Virginia Corporation Net Income Tax Act so the definitions conform

with the Internal Revenue Code's definitions; and specifying effective dates"; 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. 208 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Labor, fund 0260, fiscal year 2013, organization 0308, and the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2013"; 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

Com. Sub. for S. B. 358 - "A Bill to amend and reenact §8-22-18a, §8-22-19a and §8-22-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-22-18c; and to amend and reenact §8-22A-4 and §8-22A-9 of said code, all relating to municipal policemen and firemen pensions; providing additional investigatory and legal powers and duties of the West Virginia Municipal Pensions Oversight Board; liability disclaimer for board acts or omissions concerning investigatory or legal actions; requiring certain notice of lawsuit to the West Virginia Municipal Pensions Oversight Board; limiting certain court orders under certain circumstances; clarifying refunds to members; clarifying circumstances under which a member may retire when the member's service has been interrupted by duty with the

armed forces of the United States; extending the cut-off date for the West Virginia Municipal Police Officers and Firefighters Retirement System plan to 2017; and continuing the municipality's disability retirement purchase requirement until 2017"; 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. 446 - "A Bill to amend and reenact §11-14B-14 of the Code of West Virginia, 1931, as amended, relating to conformity with the International Fuel Tax Agreement; and specifying that on and after July 1, 2013, specified provisions of the International Fuel Tax Agreement, as amended and in effect on that date, apply to motor fuel taxes collected under the International Fuel Tax Agreement"; which was referred to the Committee on Roads and Transportation then Finance.

At the request of Delegate Boggs, 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 White, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act,

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

Com. Sub. for H. B. 2514 - "A Bill to amend and reenact §11-13X-5 of the Code of West Virginia, 1931, as amended, relating to the Film Industry Investment Act; lowering the amount of credit allowed and lowering the total amount of tax credits available in a given fiscal year,"

And,

H. B. 2858, Relating generally to consumer rate relief bonds,

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

Com. Sub. for H. B. 2858 - "A Bill to amend and reenact §24-2-4f of the Code of West Virginia, 1931, as amended, relating generally to consumer rate relief bonds; providing that the rate adjustment mechanism is the exception to the state's pledge not to reduce, alter or impair consumer rate relief charges until all amounts to be paid to an assignee or financing party are paid or performed in full,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2784, Relating to the Deputy Sheriff Retirement System Act,

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

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

Your Committee on Finance has had under consideration:

H. B. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

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

Delegate Morgan, 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. 2790, Relating to public service district board members,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2790) was referred to the Committee on Finance.

Delegate Morgan, 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. 2608, Requiring appraisal management companies to be registered,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2608) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

H. B. 2124, Creating new code sections which separate the executive departments,

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

Com. Sub. for H. B. 2124 - "A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government,"

H. B. 2360, Relating to public school support computation of local share,

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

Com. Sub. for H. B. 2360 - "A Bill to repeal §11-1C-5b of the Code of West Virginia, 1931, as amended; to repeal §18-9A-2a of said code; and to amend and reenact §18-9A-2 and §18-9A-11 of said code, all relating to public school support computation of local share; removing provisions for using assumed assessed values for the purpose of computation; removing provisions for increasing counties' local share responsibility for funding basic foundation education formula when property assessments are not at least fifty-four percent of market value as indicated by assessment ratio study; revising definitions; removing certain provisions relating to obligations created in special acts for certain counties to provide funding for public libraries; and encouraging county boards to support public libraries within their counties,"

And,

H. B. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed,

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

Com. Sub. for H. B. 2848 - "A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-27, §11A-3-28 and §11A-3-55 of the Code of the West Virginia, 1931, as amended, all relating generally to the sale of tax liens and nonentered, escheated and waste and unappropriated lands; providing for the forfeiture of the rights of a purchaser under certain circumstances where a tax certificate of sale has ceased to be a lien on the property; authorizing certain refunds after forfeiture of rights to a tax deed if requested in a timely manner; establishing an alternative mailing address for the delivery of certain notices to redeem property; modifying the requirements for petitioning to compel execution of a deed by the auditor; and removing provisions that preserve certain rights of a purchaser and that award costs to a petitioner in the case of a petition where a court determines the auditor's failure or refusal to execute a deed was without reasonable cause,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2508, Changing the capital investment threshold amount,

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

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 359, Relating generally to reforming public education,

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

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Fragale and L. Phillips.

At 5:05 P.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, March 20, 2013.

WEDNESDAY, MARCH 20, 2013

THIRTY-SIXTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, March 19, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 18, Calling upon the United States Congress to preserve the United States' Constitutional Second Amendment Rights of our citizens and to address the greatest cause of acts of mass violence, mental illness,

And reports the same back with the recommendation that it be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 62, The "Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge",

And reports the same back with the recommendation that it be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 8, The "S/Sgt. E. J. A. Maynard Memorial Bridge",

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

Com. Sub. for H. C. R. 8 - "Requesting the Division of Highways to name the bridge, bridge number 50-41-0.40 on County Route 41 in Wayne County, the 'U.S. Army S/Sgt. E. J. A. Maynard Memorial Bridge'."

H. C. R. 25, The "CPL Fred Russell Memorial Bridge",

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

Com. Sub. for H. C. R. 25 - "Requesting the Division of Highways to rename the Camp Creek bridge over Camp Creek on State Route 152, in Lavalette, Wayne County, bridge number 50-152-41.56, the 'U.S. Army CPL Fred Russell Memorial Bridge'."

H. C. R. 29, The "Army Specialist-5 James R. Justice Memorial Bridge",

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

Com. Sub. for H. C. R. 29 - "Requesting the Division of Highways to name bridge number 50-39-2.01 in Wayne County, West Virginia, the 'Army Specialist-5 James R. Justice Memorial Bridge',"

H. C. R. 35, The "W. Va. Fallen Firefighter Charles Eugene Kessel Memorial Bridge",

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

Com. Sub. for H. C. R. 35 - "Requesting that bridge number 12-93-9.84 on W. Va. Corridor H, State Route 93 and future U. S. Route 48, crossing over County Route 1, also known as the Scherr Road, in Grant County, West Virginia, be named the 'Charles Eugene Kessel Memorial Bridge',"

And,

H. C. R. 36, The "Private First Class Oscar Harper, Sr. Memorial Bridge",

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

Com. Sub. for H. C. R. 36 - "Requesting that bridge number 50-37-12.31 located in Wayne County, West Virginia, at the intersection of West Virginia Route 7, also known as Patrick Creek Road, and West Virginia Route 152 be named the 'U.S. Army Private First Class Oscar Harper, Sr. Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted.

Delegate Miley, 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. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent,

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

RESOLUTIONS INTRODUCED

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

H. C. R. 87 - "Requesting the Division of Highways to erect signs at the Tyler County line on WV Route 2, entering from Pleasant County at mile point 0.00, and entering from Wetzel County at mile point 13.93; and on WV Route 18 entering from Doddridge County at mile point 0.00, that reads 'Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions'."

WHEREAS, The 60th Annual 4-H and FFA National Land and Range Judging Contest was held in Oklahoma City, Oklahoma, May 3-5, 2011; and

WHEREAS, The Tyler County FFA chapter qualified for the national event by placing among the top five teams at contests held in West Virginia; and

WHEREAS, The Tyler County FFA chapter was represented at the 2011 National Land and Range Judging Contest by George Hilvers, Emily Wells, Ashley Cochran and Ashley Watson, with the help of Coach Leon Ammons; and

WHEREAS, National championship titles were awarded to team and individual winners in each category of Land Judging, Range Judging and Homesite Evaluation, with 93 FFA teams and 347 FFA individual contestants competing; and

WHEREAS, In Land Judging, teams and contestants evaluate the soil for its best agricultural use, and in Homesite Evaluation they

evaluate the soil to determine if it would be a good site to build a home; and

WHEREAS, Emily Wells placed ninth individually in both the Land Judging and Homesite Evaluation contests; and

WHEREAS, George Hilvers placed tenth individually in the Homesite Evaluation contest; and

WHEREAS, Together the Tyler County FFA chapter won the National Champions title in both Land Judging and Homesite Evaluation; and

WHEREAS, The Tyler County FFA team is only the fourth chapter in the National Land and Range Judging Contest's sixty year history to win double National Champion titles; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to cause to have fabricated signs erected at the Tyler County line on WV Route 2, entering from Pleasant County at mile point 0.00, and entering from Wetzel County at mile point 13.93; and on WV Route 18 entering from Doddridge County at mile point 0.00, that read "Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions"; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the Commissioner of the Division of Highways, George Hilvers, Emily Wells, Ashley Cochran, Ashley Watson and Leon Ammons.

Delegates Caputo, Mr. Speaker, Mr. Thompson, Ambler, Arvon, Azinger, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Diserio, Eldridge, Ellem, Ellington, A. Evans, D. Evans, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Guthrie, Hamilton, Hamrick,

Hartman, Hunt, Iaquinta, Jones, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miley, Miller, Moore, Morgan, Moye, J. Nelson, Pasdon, Paxton, Perdue, Perry, Pethtel, R. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Wells, Westfall, White, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 88 - "Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows."

WHEREAS, The United Mine Workers of America has secured health care and pensions for retired coal miners and widows, through decades of collective bargaining; and

WHEREAS, The gains made for working miners as a result of collective bargaining are now being threatened through the use of the bankruptcy proceedings; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes the current collective bargaining agreement for active UMWA members at Patriot operations; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes retiree pensions and health care via Patriot's bankruptcy action; and

WHEREAS, Actions taken by Peabody and Arch to shed themselves of promised health and retirement benefits through corporate schemes could also hurt coal retiree's pensions and health care; and

WHEREAS, The loss of promised health care and retirement benefits jeopardizes the health and security of UMWA active, laid off and retired members and their dependants; and

WHEREAS, The loss of promised health care and retirement benefits, if not addressed, could push many local communities into a financial crisis; and

WHEREAS, All coal field communities have a significant interest in fighting to maintain retiree pensions and health care for our citizens; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature pledges the United Mine Workers of America and its membership to join in the fight to protect and maintain mine workers' pensions and health care from assaults by these and other coal operators; and, be it

Further Resolved, That the West Virginia Legislature calls upon Peabody, Arch and Patriot to live up to their obligations to provide coal miners' health care and retirement security; and, be it

Further Resolved, That the West Virginia Legislature calls upon others to assist in preventing these corporations from stripping from active, laid off, and retired coal miners their contractually-promised lifetime health care benefits.

BILLS INTRODUCED

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

By Delegates Morgan, Pasdon, Craig and McCuskey:

H. B. 2989 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §53-9-1, §53-9-2, §53-9-3, §53-9-4, §53-9-5 and §53-9-6, all relating to the bifurcation for trial of claims for compensatory and exemplary damages and when punitive or exemplary damages may be awarded; maximum amounts"; to the Committee on the Judiciary.

By Delegate Staggers

[By Request of the Division of Motor Vehicles]:

H. B. 2990 – "A Bill to amend and reenact §17A-3-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17D-2A-2, §17D-2A-5 and §17D-2A-7 of said code, all relating to insurance or other security required for registration or operation of a motor vehicle; permitting electronic acknowledgment of insurance at the time of registration; clarifying that vehicle security requirements do not apply to commercial motor vehicles that are insured under commercial auto coverage; removing the requirement that insurance companies must provide notices of cancellation to the Division of Motor Vehicles; removing annual reporting requirement by the Division of Motor Vehicles on the number cancellation notices and suspensions; clarifying the penalties for first and subsequent violations of operating a motor vehicle without required insurance or security; replacing the driver's license suspension penalty of a person who knowingly operates a vehicle without the required security with a provision stating that a person who is not the vehicle owner and who is convicted of operating a motor vehicle that does not have the required security shall have the conviction placed on the driver's license record; and prohibiting the Division of Motor Vehicles from suspending or revoking the license of a vehicle owner if the citation is received by the agency more than one year from the date of the offense"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates E. Nelson and McCuskey:

H. B. 2991 – "A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating to licenses fees and general restrictions on the sale of wines; and on limited occasions, providing that a wine retailer may be licensed as a retail dealer in nonintoxicating beer for the limited purpose of selling nonintoxicating beer at the same festival or fair if the sale of nonintoxicating beer is allowed by the festival or fair"; to the Committee on the Judiciary.

By Delegate White

[By Request of the Tax and Revenue Department]:

H. B. 2992 – "A Bill to repeal §60-9-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-9-4 and §60-9-6 of said code, all relating to eliminating duplicative reporting requirements imposed on distributors of imported cigarettes"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Gearheart, Ellington, Moore, L. Phillips, Manchin, Miller, Craig and Ambler:

H. B. 2993 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7 and §11-28-8, all relating to allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants; providing for county and municipality options; limiting the total tax to three percent; limiting a municipal tax to two percent; setting forth the procedures for counties or municipalities to use to impose the tax; requiring publication; setting forth how the collected tax may be used; setting forth apportionment of the tax between local jurisdictions; setting forth exemptions from the tax; defining terms; and providing criminal penalties"; to the Committee on Political Subdivisions then Finance.

By Delegates Householder and Kump:

H. B. 2994 – "A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5, all relating to the healthcare compact with other states seeking to protect individual liberty and personal control over Health Care decisions by vesting regulatory authority over Health Care in the States; preamble; definitions; establishing an Interstate Advisory Health Care Commission; providing that the compact is effective on its adoption and consent of the United States Congress unless the United States Congress alters the fundamental purposes; how amendments are made; withdrawal and dissolution; and providing that the director of health be the compact administrator with authority to enter into supplementary

agreements and make financial arrangement and subject to the approval of the State Auditor"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates P. Smith, Miley and Perdue:

H. B. 2995 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-5A-1, relating to adding fifty new positions to the staff at the William R. Sharpe, Jr. Hospital"; to the Committee on Health and Human Resources then Finance.

By Delegates Lawrence, Barrett, Hunt and Skinner:

H. B. 2996 – "A Bill to amend and reenact §29-3-16a of the Code of West Virginia, 1931, as amended, relating to smoke detectors in one-and two-family dwellings; carbon monoxide detectors in residential units; making it a misdemeanor offense when an investigation, after a fire, reveals no working smoke detector or carbon monoxide detector; and misdemeanor penalties"; to the Committee on the Judiciary then Finance.

By Delegates Frich, Householder, Howell, Kump, Reynolds, Lane, Moore, Ellem, Sobonya, Border and Butler:

H. B. 2997 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, §1-7-4, §1-7-5, §1-7-6 and §1-7-7, all relating to prohibiting the use of unmanned aircraft; providing exceptions; requiring documentation when an unmanned aircraft is used; providing remedies; prohibiting the use of certain evidence and preservation of collected data; establishing exceptions; and defining terms"; to the Committee on the Judiciary.

By Delegates Eldridge, R. Phillips, Tomblin, Campbell, Young, Lynch, Hartman, Reynolds, Longstreth, Barrett and Barill:

H. B. 2998 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-8a, relating to requiring natural gas lessors to provide surface owners on

whose properties natural gas producing wells are drilled the ability to purchase gas from those wells"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Eldridge, R. Phillips, Tomblin, Young, Lynch, Sponaugle, Hartman, Reynolds, Longstreth, Barrett and Barill:

H. B. 2999 – "A Bill to amend and reenact §29-5A-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the state Athletic Commission from judging or refereeing any professional boxing, full contact boxing or mixed martial arts match conducted in this state"; to the Committee on Government Organization.

By Delegates Overington and Householder:

H. B. 3000 – "A Bill to amend and reenact chapter 83, Acts of the Legislature, regular session, 1970, relating to changing the Martinsburg public library to the Martinsburg-Berkeley County Public Library; creating a library board with the power to operate the said public library; and providing a stable method of financing the operation of the Martinsburg-Berkeley County Public Library"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Manypenny:

H. B. 3001 – "A Bill to amend and reenact §22-6A-9 of the Code of West Virginia, 1931, as amended, relating to a requirement, as part of a removal-plan, that a composite soil sample test be performed on the ground area underneath a pit or impoundment after it has been drained and the plastic removed"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Staggers, Gearheart, Canterbury, Ellington, Moore, Moye, Sumner, Iaquinta, Cooper and Ambler:

H. B. 3002 – "A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to the West

Virginia Parkways, Economic Development and Tourism Authority and requiring the Parkways Authority to provide free daily toll passes for veterans traveling to the Veterans Administration Hospital for treatment"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate White

[By Request of the Tax and Revenue Department]:

H. B. 3003 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9D-4a, relating generally to facilitating and enforcing compliance with the Tobacco Master Settlement Agreement; and imposing bonding requirements on certain nonparticipating manufacturers"; to the Committee on the Judiciary then Finance.

By Delegates Morgan, Skinner and Barrett:

H. B. 3004 – "A Bill to amend and reenact §60-3A-17 of the Code of West Virginia, 1931, as amended, relating to increasing the percentage a liquor retail licensee must charge licensed clubs and the general public to one hundred twenty percent of cost"; to the Committee on Finance.

By Delegates P. Smith, Walker, Longstreth and Paxton:

H. B. 3005 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-13A-1, relating to requiring any employer to retain a job for any veteran with a service-connected disability while the veteran seeks or receives treatment related to the service-connected disability and is able to return to work"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates P. Smith, Walker, Hartman, Fleischauer, Longstreth, Paxton, Eldridge, Barill, Jones, Caputo and Ferro:

H. B. 3006 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-13A-1, relating to retaining jobs for certain disabled veterans seeking or

receiving treatment for active duty service-connected injury"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates P. Smith, Walker, Hartman, Fleischauer, Longstreth, Paxton, Eldridge, Barill, Jones, Caputo and Ferro:

H. B. 3007 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-13A-1, relating to job retention for any veteran with a service-connected disability while seeking or receiving treatment related to the service-connected disability"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates P. Smith, Caputo, Fleischauer, Lynch, Poore, Manchin, M. Poling, Longstreth, Moore, Boggs and Wells:

H. B. 3008 – "A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission and providing for election of commissioners"; to the Committee on Government Organization then the Judiciary.

By Delegates Householder, Sobonya, Overington, Cadle and Gearheart:

H. B. 3009 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6 and §18-33-7, all relating to enacting a Schoolchildren's Religious Liberties Act; prohibiting discrimination based on a religious perspective; requiring a policy establishing a limited public forum for student speakers; prohibiting a penalty or reward on account of the religious content of student work; allowing organization of prayer groups, religious clubs and other religious gatherings before, during and after school; requiring policy regarding limited public forum and voluntary student expression of religious perspectives; and providing a model policy"; to the Committee on Education then the Judiciary.

By Delegates Shott and Pasdon:

H. B. 3010 – "A Bill to amend and reenact §33-17A-4 and §33-17A-6 of the Code of West Virginia, 1931, as amended, all

relating to the use of credit information in connection with the declination and termination of property insurance and expanding the information required to be provided by an insurer in the notice of declination or termination to an insured or applicant"; to the Committee on the Judiciary.

By Delegates Manypenny, Walker, Swartzmiller, Canterbury and Ambler:

H. B. 3011 – "A Bill to amend and reenact §19-12E-5 of the Code of West Virginia, 1931, as amended, relating to removing the provision that requires an applicant to meet federal requirements concerning the production, distribution and sale of industrial hemp prior to being licensed to grow hemp for industrial purposes in the state"; to the Committee on Agriculture then the Judiciary.

By Delegates Frich, Lane, Shott, Rowan, Householder, Sobonya, McCuskey, Ireland, Border, Gearheart and Pasdon:

H. B. 3012 – "A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4 and §3-5-13a of said code; and to amend and reenact §51-1-1 of said code, all relating to the nonpartisan election of justices to the Supreme Court of Appeals beginning in 2014; providing for a nonpartisan judicial office on the voting ballot; and setting forth how the justices are to be selected in the primary and general elections"; to the Committee on the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegates Boggs, Swartzmiller, Caputo, Miley, M. Poling, White, Perdue, Morgan, Moye and D. Poling:

H. B. 3013 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-2B-1, relating to authorizing the establishment of job creation work groups to obtain information to assist the Legislature's efforts to take effective action to increase and attract jobs in West Virginia"; to the Committee on Finance.

SPECIAL CALENDAR

UNFINISHED BUSINESS

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

H. R. 20, Honoring the victims and survivors of the 1972 Blacksville Mine Fire,

Com. Sub. for H. C. R. 10, The "Staff Sergeant Lesley Wayne Reed US Army Memorial Bridge",

H. C. R. 18, The "Cpl. Sherald P. Brady, U.S. Army Memorial Bridge",

Com. Sub. for H. C. R. 19, The "Corporal Ronald Lee Kesling USMC Memorial Bridge",

H. C. R. 20, The "Army Corporal Rex Marcel Sherman Memorial Bridge",

H. C. R. 21, The "Upshur Civil War Company 'C' Militia Memorial Highway",

H. C. R. 30, The "Army Sergeant Thomas Lawrence Dunithan Memorial Highway",

H. C. R. 47, The "Thomas B. Dunn Memorial Highway",

And,

H. C. R. 63, The "US Army SFC James Edward Duncan Memorial Bridge".

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

SECOND READING

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

H. B. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services,

Com. Sub. for H. B. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors,

And,

H. B. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums.

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. 359, Relating generally to reforming public education,

Com. Sub. for H. B. 2124, Creating new code sections which separate the executive departments,

Com. Sub. for H. B. 2360, Relating to public school support computation of local share,

H. B. 2508, Changing the capital investment threshold amount,

Com. Sub. for H. B. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act,

H. B. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act,

Com. Sub. for H. B. 2534, Relating to the regulation of pawn brokers,

H. B. 2784, Relating to the Deputy Sheriff Retirement System Act,

H. B. 2814, Relating to human trafficking,

Com. Sub. for H. B. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed,

Com. Sub. for H. B. 2858, Relating generally to consumer rate relief bonds,

And,

H. B. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release.

REMARKS BY MEMBERS

Delegate Hunt addressed the House regarding state cooperation with FBI agents in dealing with the problem of child pornography and pedophilia, and at the conclusion thereof, Delegate Azinger asked and obtained unanimous consent that such be printed in the Appendix to the Journal.

Delegate Perdue addressed the House regarding lack of funding for treatment of substance abuse, and at the conclusion thereof, Delegate Craig asked and obtained unanimous consent that such remarks be printed in the Appendix to the Journal.

At 11:47 A.M., the House of Delegates adjourned until 11:00 A.M., Thursday, March 21, 2013.

THURSDAY, MARCH 21, 2013

THIRTY-SEVENTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 20, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 50, Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20,

H. C. R. 73, The "Nancy E. May Memorial Bridge",

H. C. R. 74, The "USMC LCpl. David Lee Powell Memorial Bridge",

H. C. R. 78, The "Louis J. 'Zeke' Trupo Bridge",

And,

H. C. R. 87, Requesting the Division of Highways to erect signs at the Tyler County line that read "Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions",

And reports the same back with the recommendation that they each be adopted.

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

Your Committee on Agriculture has had under consideration:

H. B. 2969, Relating to poultry inspection exemptions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2969) was referred to the Committee on the Judiciary.

Delegate Craig, Chair of the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration:

H. B. 2866, Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2866) was referred to the Committee on the Judiciary.

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

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

H. B. 2981, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2981) was referred to the Committee on the Judiciary.

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

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

H. B. 2544, Improving state emergency preparedness,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2544) was referred to the Committee on Finance.

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

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

H. B. 2490, Providing for the appointment of veterans advocates at state institutions of higher education,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2490) was referred to the Committee on Education.

Delegate Moore, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2923, Relating to directors of state-chartered banking institutions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2923) was referred to the Committee on Finance.

Delegate Guthrie, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2960, Providing for internal and external review of adverse health coverage determinations,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2960) was referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2800, Relating to the Teachers' Retirement System,

And,

H. B. 2818, Relating to the Teachers' Defined Contribution Retirement System,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2800 and H. B. 2818) were each referred to the Committee on Finance.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2802, Relating to the Emergency Medical Services Retirement System,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2802) was referred to the Committee on Finance.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2829, Relating to the nomination and election of magistrates,

And,

H. B. 2964, Authorizing the mayor to appoint chiefs of police and deputy chiefs of police,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2829 and H. B. 2964) were each referred to the Committee on the Judiciary.

Delegate Poling, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2352, Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act,

And,

H. B. 2597, Creating the Intrastate Coal and Use Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2352 and H. B. 2597) were each referred to the Committee on the Judiciary.

Delegate Poling, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2722, Increasing the amount of special license fees paid by pipeline companies,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2722) was referred to the Committee on Finance.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2860, Providing that a municipality receive no more than $25 from speeding fines,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2860) was referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2381, Allowing the use of low-speed vehicles on roads in municipalities with speed limits over twenty-five miles per hour and less than thirty-five,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2381) was referred to the Committee on the Judiciary.

Delegate Miley, 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. 2237, Requiring physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain,

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

Com. Sub. for H. B. 2237 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5X-1, §16-5X-2 and §16-5X-3, all relating to emergency aid medication for patients prescribed opiates or receiving treatment for addiction; establishing a short title; establishing objectives and a purpose; defining terms; establishing the responsibilities of licensed prescribers; and, providing for education of patient, family or caregivers,"

H. B. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs,

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

Com. Sub. for H. B. 2590 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-21-1, §31-21-2, §31-21-3, §31-21-4, §31-21-5, §31-21-6, §31-21-7, §31-21-8, §31-21-9, §31-21-10, §31-21-11, §31-21-12, §31-21-13, §31-21-14, §31-21-15, §31-21-16, §31-21-17, §31-21-18, §31-21-19 and §31-21-20, all relating to authorizing the creation of a public nonprofit corporation and governmental instrumentality to facilitate the redevelopment of former commercial, industrial and mining properties subject to federal and state regulations because of contamination or pollution discharge; providing short title; declaring policy and purpose of article; defining terms; creating West Virginia Land Stewardship Corporation; providing eligibility for properties to participate; stating certain tax requirements; setting forth powers and limitations of West Virginia Land Stewardship Corporation; providing for board of directors and composition of same; providing for creation of voluntary land stewardship program; providing for underwriting review of land stewardship program applicants; authorizing establishment of state certified sites program; setting forth minimum standards for certification under state certified sites program and assessment of fees therefor; authorizing establishment of voluntary state land bank program; prohibiting the transfer of certain liabilities to land bank by prior owner; permitting land stewardship corporation to preserve property value of properties held by land stewardship corporation; authorizing land bank to acquire, dispose or otherwise manage real property; providing requirements for handling of contaminated properties by land stewardship corporation; providing for liberal construction of article; authorizing the Department of Environmental Protection to investigate corporation activities and take necessary actions; exempting corporation from certain state and local taxes; requiring audits and biannual reports; providing procedure for dissolution of land stewardship corporation upon completion of purpose and for disposal of properties possessed by the corporation;

providing provision for conflict of interest of land stewardship corporation officers, employees and board members; stating preservation of sovereign immunity; and providing that obligations of land stewardship corporation are not obligations of the Department of Environmental Protection or the state,"

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2733, Relating to hearings before the Office of Administrative Hearings,

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

Com. Sub. for H. B. 2733 - "A Bill to amend and reenact §17C-5A-2 of the Code of West Virginia, 1931, as amended, relating to hearings before the Office of Administrative Hearings; specifying methods of service; providing permissible hearing locations; deleting the requirement that the Office of Administrative Hearings shall send hearing notices to certain witnesses; deleting an instance of a duplication of an element for driving under the influence; clarifying that the Office of Administrative Hearings shall rescind or modify the order of the Commissioner of the Division of Motor Vehicles in certain cases; noting that the Office of Administrative Hearings is not a party to an appeal; stating that a party filing an appeal is financially responsible for the transcription of the hearing and transmission of file copy; and stating that the court shall provide a copy of its final order to the Office of Administrative Hearings,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2583, Establishing a regulatory system for sexual assault forensic examinations,

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

Com. Sub for H. B. 2583 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9B-1, §15-9B-2 and §15-9B-3, all relating to establishing a regulatory system for sexual assault forensic examinations; requiring the creation of the Sexual Assault Forensic Examination Commission; setting forth its powers and responsibilities; setting forth its membership; requiring county prosecutors to convene and chair local Sexual Assault Forensic Examination Boards; and authorizing rule making,"

With the recommendation that the committee substitute do pass.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2926, Requiring health insurers to reimburse ambulance service providers directly for ambulance services covered under a person's health insurance policy,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2926) was referred to the Committee on Finance.

Delegate Perdue, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2665, Department of Health and Human Resources, regulation of opioid treatment programs,

And,

H. B. 2987, Relating to methadone and treatment program required reports,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2665 and H. B. 2987) were each referred to the Committee on the Judiciary.

Delegate Perdue, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2738, Relating to the Center for Nursing,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2738) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 27 - "A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-15-4k; to amend said code by adding thereto a new section, designated §33-16-3w; to amend said code by adding thereto a new section, designated §33-24-7l; to amend said code by adding thereto a new section, designated §33-25-8i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating generally to requiring health insurance coverage of maternity services in certain circumstances; providing maternity services for all individuals participating in or receiving insurance coverage under a health insurance policy if those services are covered under the policy; modifying required benefits for public employees insurance, accident and sickness insurance, group accident and sickness insurance, hospital medical and dental corporations, health care corporations and health maintenance organizations; and providing exceptions to the extent that required benefits exceed the essential health benefits specified under the Patient Protection and Affordable Care Act"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

S. B. 441 - "A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-10C-2 of said code, all relating to the withdrawal of state tax liens recorded prematurely, inadvertently or erroneously"; 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. 477 - "A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-5, §3-2-6, §3-2-7 and §3-2-11 of said code, all relating to electronic registration of voters; repealing outdated code regarding manual voter registration systems; authorizing Secretary of State to promulgate procedures to permit persons to register to vote through a secure electronic voter registration system; providing an exception to address requirements on registration for participants in the address confidentiality program; permitting transmission of electronically stored signatures for registration in certain instances; allowing acceptance of registration with or without an email address; requiring electronic registration be received by close of business on the day of the registration deadline; permitting people to register to vote through approved electronic voter registration systems at certain locations; authorizing the Division of Motor Vehicles to release certain information to the Secretary of State upon notice and consent of the registered voter; and making certain clarifications of current code"; which was referred to the Committee on the Judiciary.

RESOLUTIONS INTRODUCED

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

H. C. R. 89 - "Requesting the Division of Highways to name bridge number 10-27-0.01, currently known as Pax Bridge, on County Route 27 in Pax, West Virginia, the 'Navy AD3 Jack Lively Memorial Bridge'."

WHEREAS, Jack Lively was born on April 25, 1931 in Long Branch, West Virginia to Shan C. and Gertrude Lively; and

WHEREAS, Jack Lively enlisted in the U.S. Navy on April 18, 1950, completed basic training in Great Lakes, IL, before completing naval air technical training at Memphis, TN; and

WHEREAS, Jack Lively shipped out to VP4 Nas Barber's Point, Hawaii, on January 15, 1951, and was subsequently transferred to VP6 Patrol Squadron to Nas Atsugi, Japan, on August 3, 1951; and

WHEREAS, Jack Lively completed twenty top-secret missions during the period of August 3 to November 6, 1951, at which time the P2V-3W specially-equipped electronic reconnaissance plane he was on was reportedly shot down by two LA-11 Soviet fighters near Vladivostok, Russia; and

WHEREAS, All ten crewmen aboard the P2V-3W were declared missing, three days of search and rescue operations revealed no trace of them, and one year later, in 1951, all were declared dead by the Navy; and

WHEREAS, Jack Lively was survived by his parents, Shan and Gertrude Lively; two sisters, Patricia Lively Dickinson and Sona (Katy) Lively Powers; and three brothers, Harless Grant, Jr., E. Douglas Lively and Buster D. Lively; and

WHEREAS, It is fitting and proper that aviation mechanic Jack Lively be remembered and acknowledged for his courageous action and ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 10-27-0.01, currently known as Pax Bridge, on County Route 27 in Pax, West Virginia, the "Navy AD3 Jack Lively Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Navy AD3 Jack Lively Memorial Bridge"; and, be it

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

Delegates Householder, D. Evans, Sobonya, Butler, Gearheart, Folk, Espinosa, Cadle and Cooper offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 90 - "Applying for an Article V Amendments Convention to Propose a Constitutional Amendment permitting a calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that an increase in the federal debt requires approval from a majority of the legislatures of the separate states."

WHEREAS, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two thirds of the Legislatures of the several states ("amendments convention"); and

WHEREAS, That, as provided in Article V of the Constitution of the United States, the Legislature of the State of West Virginia herewith respectfully applies for an amendments convention to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and

WHEREAS, That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution providing that an increase in the federal debt requires approval from a majority of the legislature of the separate states; and

WHEREAS, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until

the Legislatures of at least two thirds of the several states have made applications on the same subject and supersedes all previous applications by this Legislature on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That as provided in Article V of the Constitution of the United States the Legislature of the State of West Virginia herewith respectfully applies for an Amendments Convention to Propose a Constitutional Amendment limited to permitting a calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and, be it

Further Resolved, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two thirds of the Legislatures of the several states have made application for an equivalently limited amendments convention; and, be it

Further Resolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, the members of the West Virginia Congressional Delegation, and to the presiding officers of each house of the several state Legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Kump, Romine and Rowan:

H. J. R. 35 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, relating to election of State Board of Education members; numbering

and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

BILLS INTRODUCED

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

By Delegates Caputo, Pethtel and Craig:

H. B. 3014 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police in the class of law-enforcement officers exempted"; to the Committee on Pensions and Retirement then Finance.

By Delegates Caputo, Ferro and Skaff:

H. B. 3015 – "A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for natural resources police officers"; to the Committee on Natural Resources then Finance.

By Delegate Wells:

H. B. 3016 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-45-1, §16-45-2, §16-45-3, §16-45-4 and §16-45-5, all relating to access to nonpublic restrooms by individuals with certain medical conditions and under specified circumstances; and providing criminal penalty for violation"; to the Committee on Government Organization then the Judiciary.

By Delegates Manypenny, Eldridge and Canterbury:

H. B. 3017 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-20; and to amend said code by adding thereto a new section, designated §29-

22-9b, all relating to requiring the State Fire Marshal to propose rules for legislative approval to set standards for minimum acceptable fire company on-duty staffing levels at full-time paid fire departments; creating a firefighters instant lottery scratch-off game and a Firefighters Lottery Fund; and requiring the State Fire Marshal to propose rules for legislative approval to set standards and procedures to award grants and disperse funds from the Firefighters Lottery Fund"; to the Committee on Government Organization then the Judiciary.

By Delegates Skinner and Lawrence:

H. B. 3018 – "A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to exempting distilleries that produce less than 50,000 gallons of spirits and also have retail sales from the payments to market zone retailers"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Young, Barrett, Eldridge, R. Phillips, Sponaugle, Stowers, Lynch, Tomblin, Stephens, Miley and Marcum:

H. B. 3019 – "A Bill to amend and reenact §20-2-5 and §20-2-6a of the Code of West Virginia, 1931, as amended, all relating to clarifying circumstances under which a person may possess certain firearms while afield hunting or engaging in other outdoor recreational activities; defining loaded firearm"; to the Committee on Natural Resources then the Judiciary.

By Delegates Miley, Iaquinta, Longstreth, Guthrie, White, Boggs, Caputo, Skaff, P. Smith, Moye and Ferro:

H. B. 3020 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections, designated §20-7-24, §20-7-25, §20-7-26, §20-7-27, §20-7-28 and §20-7-29, all relating to improving boat dock and marina safety, prevent electrocution injury, require compliance with national standards, require work by certified electricians, and impose criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Wells, Guthrie, Skaff, Poore and McCuskey:

H. B. 3021 – "A Bill to amend and reenact §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-5 of said code, all relating to operating a bicycle or overtaking a bicycle on a roadway"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Craig, Skinner and Barrett:

H. B. 3022 – "A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-17, §60-3A-18 and §60-3A-25 of said code; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to the sale of certain beer, wine and liquor; increasing the percentage of cost that a liquor retail licensee may charge; removing provisions relating to the sale of certain alcoholic products on certain days; and addressing days and hours of operation for certain licensees and private clubs"; to the Committee on the Judiciary then Finance.

By Delegates Caputo, Perry, Diserio and Moore:

H. B. 3023 – "A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years"; to the Committee on Finance.

By Delegates Ferro, Perry, Perdue, Diserio and Moore:

H. B. 3024 – "A Bill to amend and reenact §7-7-7 of the Code of West Virginia, 1931, as amended, relating to granting county commissions advice and consent authority with respect to the discharge of county employees"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Ireland:

H. B. 3025 – "A Bill to amend and reenact §17C-3-7 of the Code of West Virginia, 1931, as amended, relating to illuminated flashing

yellow signals; providing that on four lane highways when flashing yellow signals are used to indicate that there is a traffic signal ahead, the yellow light may only flash when the traffic signal is about to turn from yellow to red; and requiring, in that instance, a sign to be erected informing motorists that when it is flashing they should be prepared to stop"; to the Committee on Roads and Transportation then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 3026 – "A Bill to amend and reenact §31-15A-17b of the Code of West Virginia, 1931, as amended, relating to the determination of the amount of grant awards for Chesapeake Bay watershed compliance projects and the Greenbrier River watershed compliance projects"; to the Committee on Finance.

By Delegates Pasdon, Fragale, Caputo, Marshall and Raines:

H. B. 3027 – "A Bill to repeal §30-21-7a, §30-21-7b, §30-21-7c, §30-21-7d, §30-21-7e, §30-21-8a and §30-21-10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-21-1, §30-21-2, §30-21-3, §30-21-4, §30-21-5, §30-21-6, §30-21-7, §30-21-8, §30-21-9, §30-21-10, §30-21-11, §30-21-12, §30-21-13, §30-21-14 and §30-21-17 of said code; and to amend said code by adding thereto twelve new sections, designated §30-21-16, §30-21-18, §30-21-19, §30-21-20, §30-21-21, §30-21-22, §30-21-23, §30-21-24, §30-21-25, §30-21-26, §30-21-27 and §30-21-28, all relating to the practice of psychology; prohibiting the practice of psychology without a license; providing other applicable sections; defining terms; continuing and renaming board; providing for board composition, appointments, qualifications, terms of office, filling of vacancies and holding meetings; providing for compensation and reimbursement for board members; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and certification requirements; setting forth scopes of practices; providing for licensure for persons licensed in another state; establishing renewal requirements; establishing delinquent,

expired and inactive license requirements; providing temporary permit requirements; requiring license to be displayed; providing for privileged communications and exceptions; providing the board may issue notices to cease and desist; providing that circuit courts may issue injunctions; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for the investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; and providing for criminal penalties"; to the Committee on Government Organization then the Judiciary.

By Delegates Staggers, D. Poling, Pethtel, Paxton and P. Smith:

H. B. 3028 – "A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to expanding the number of hours temporary state personnel may work in a calendar year"; to the Committee on Government Organization then Finance.

By Delegates Overington, Butler, Householder, Cadle, Arvon, Gearheart, Hunt, Canterbury, Ambler, Shott and Ireland:

H. B. 3029 – "A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3 and §3-11A-4, all relating to providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; definitions; delegate duties and responsibilities; and providing a felony criminal penalty for violation of a delegate's oath"; to the Committee on the Judiciary then Finance.

By Delegate Faircloth:

H. B. 3030 – "A Bill to amend and reenact §20-2-28 and §20-2-42x of the Code of West Virginia, 1931, as amended, all relating to Class XS senior resident lifetime licenses; and providing that seniors purchasing the Class XS license are not required to purchase any additional hunting, fishing and trapping stamps or permits issued by the Division of Natural Resources under article two, chapter twenty of

the West Virginia Code"; to the Committee on Natural Resources then Finance.

By Delegates White, Skaff, Manchin, Cowles, Eldridge, Marcum, Craig, R. Phillips, Stowers and Lawrence:

H. B. 3031 – "A Bill to amend and reenact §22-1-7 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Environmental Protection to maintain an Office of Internal Auditing"; to the Committee on Government Organization then Finance.

By Delegates Skinner, Lawrence, Poore, Stowers, Miley, Manchin, Hunt, Sponaugle, Lynch, Reynolds and Fleischauer:

H. B. 3032 – "A Bill to amend and reenact §3-8-1, §3-8-1a, §3-8-2 and §3-8-2b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-2d, all relating to the regulation and control of elections; providing certain legislative findings; amending definitions; amending reporting requirements for independent expenditures; providing for electronic filing of reports of independent expenditures; and providing for disclosure of certain transfers of things of value; authorizing the Secretary of State to promulgate rules relating to reports of independent expenditures; retaining prohibition on corporate contribution; and repealing the ban on corporate independent expenditures"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Howell, O'Neal, E. Nelson, Walker, Moore, McCuskey and Ellington:

H. B. 3033 – "A Bill to repeal §11-15-18b of the Code of West Virginia, 1931, as amended; to repeal §11-15A-13a of said code; to amend said code by adding thereto a new section, designated §11-14C-49; to amend and reenact §11-15-3 of said code; and to amend said code by adding thereto a new section, designated §ll-15-35, all relating to taxes on motor fuels, aviation fuels and consumer sales and service"; to the Committee on Roads and Transportation then Finance.

By Delegate Caputo:

H. B. 3034 – "A Bill to amend and reenact §22A-2-20 of the Code of West Virginia, 1931, as amended, relating to requiring underground mines fire boss examinations include examining the air quantity where diesel equipment operates"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegate Skinner:

H. B. 3035 – "A Bill to amend and reenact §19-2B-11 of the Code of West Virginia, 1931, as amended, relating to providing a civil penalty of not more than $10,000 per each unit of a meat or poultry product knowingly sold, or offered for sale or distribution, with product labeling that incorrectly identifies the source animal or animals from which the product is derived"; to the Committee on Agriculture then the Judiciary.

By Delegate Manypenny:

H. B. 3036 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-7A-1, §9-7A-2, §9-7A-3, §9-7A-4, §9-7A-5, §9-7A-6, §9-7A-7, §9-7A-8, §9-7A-9, §9-7A-10, §9-7A-11, §9-7A-12 and §9-7A-13, all relating to improving program integrity for Medicaid and the Children's Health Insurance Program by implementing additional waste, fraud and abuse, prevention, detection and recovery solutions"; to the Committee on Health and Human Resources then Finance.

By Delegates Shott and McCuskey:

H. B. 3037 – "A Bill to amend and reenact §38-1-2 of the Code of West Virginia, 1931, as amended, relating to the form of trust deeds; and permitting the recording of a memorandum of deed of trust in lieu of the deed of trust"; to the Committee on the Judiciary.

By Delegates Folk, Faircloth, Kump and Householder:

H. B. 3038 – "A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to relieving the burden

imposed on counties of incarcerating inmates in regional jails by changing the way that the cost of incarcerating inmates in regional jails is collected so that it is shared by the county, state and municipality wherein the alleged criminal act occurred; and making the cost of incarcerating an inmate who is incarcerated for less than twelve hours one-half the normal per diem rate charged, and the per diem charge for an inmate who is imprisoned for more than twelve, but less than twenty-four hours, two-thirds the normal per diem rate charged"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Gearheart and Ellington:

H. B. 3039 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-31, relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances and providing a process for the termination"; to the Committee on the Judiciary.

By Delegates Howell, Armstead, R. Phillips, Andes, Storch, Lynch, Moye, Miller, Hartman, Craig and Espinosa:

H. B. 3040 – "A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13S-3 and §11-13S-4 of said code, all relating generally to the tax treatment of manufacturing entities generally; amending definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending definition of manufacturing for purposes of manufacturing investment tax credit; and the amount of credit allowed for manufacturing investment, to include small arms manufacturing"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates McCuskey, R. Phillips, Hunt, Skaff, Storch, Ferns, Hartman, Craig and Andes:

H. B. 3041 – "A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of or are

intended to become the subject of a consumer transaction; prohibition against exclusion, modification or limitation of any warranty or remedy; waiver of warranty on used motor vehicle as to a particular defect or malfunction which dealer has disclosed; conditions permitting 'as is' sale of used motor vehicle; conspicuous disclosure of 'as is' sale; 'as is' sale does not waive express warranties made by dealer; dealer to conform to federal regulations"; to the Committee on Roads and Transportation then the Judiciary.

SPECIAL CALENDAR

UNFINISHED BUSINESS

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

H. R. 18, Calling upon the United States Congress to preserve the United State's Constitutional Second Amendment Rights of our citizens and to address the greatest cause of acts of mass violence, mental illness,

Com. Sub. for H. C. R. 8, The "U.S. Army S/Sgt. E. J. A. Maynard Memorial Bridge",

Com. Sub. for H. C. R. 25, The "U.S. Army CPL Fred Russell Memorial Bridge",

Com. Sub. for H. C. R. 29, The "Army Specialist-5 James R. Justice Memorial Bridge",

Com. Sub. for H. C. R. 35, The "Charles Eugene Kessel Memorial Bridge",

Com. Sub. for H. C. R. 36, The "U.S. Army Private First Class Oscar Harper, Sr. Memorial Bridge",

And,

H. C. R. 62, The "Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge".

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

THIRD READING

H. B. 2780, Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services; 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. 40)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2780) passed.

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

H. B. 2780 - "A Bill to amend and reenact §49-5D-3 and §49-5D-3c of the Code of West Virginia, 1931, as amended, all relating generally to multidisciplinary teams; requiring that team members be notified that he or she may participate in team meetings electronically; requiring that the court and team members are provided a copy of the individualized service plan for a juvenile; requiring that in certain circumstances the individualized service plan for a juvenile shall be reviewed quarterly; and, authorizing the directors of juvenile detention centers to call a multidisciplinary team meeting in certain circumstances."

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. 2815, Clarifying and modifying the process of appointing and terminating guardians for minors; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 41)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2815) 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. 2842, Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 42)**, and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2842) 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 S. B. 359, Relating generally to reforming public education; on second reading, coming up in regular order, was read a second time.

Delegates Armstead, Border, Folk, Frich, Raines, Faircloth, Espinosa, Arvon, Householder, McCuskey, Westfall, Shott, Sumner, Sobonya, Cooper, E. Nelson, Cowles, Ambler and Ellington moved to amend the committee substitute on page ninety-four, following line seven, by inserting the following new section, designated as section nine-c, to read as follows:

"§18-3-9c. State Superintendent required to address excess bureaucracy.

(a) The Legislature finds the following:

(1) West Virginia has one of the highest ratios of state administrators and staff to students enrolled in school in the nation; and

(2) This ratio is greatly in excess of that in any surrounding state; and

(3) Taxpayers and students in West Virginia deserve the most efficient use of scarce education resources possible; and

(4) Classroom education should be the primary focus of any education paradigm.

(b) By July 1, 2016, the State Superintendent shall undertake reductions in the Department of Education so that it shall on and after that date, at no time, exceed an employee to student ratio of more than one employee for every two thousand enrolled students. This ratio requirement shall continue to be met for each succeeding fiscal year thereafter: *Provided*, This ratio requirement shall not apply to the hiring of classroom teachers."

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

The yeas and nays having been ordered, they were taken (**Roll No. 43**), and there were—yeas 44, nays 52, absent and not voting 4, with the yeas and absent and not voting being as follows:

YEAS: Ambler, Anderson, Armstead, Arvon, Ashley, Azinger, Border, Cadle, Canterbury, Cooper, Cowles, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Folk, Frich, Gearheart, Hamilton, Hamrick, Householder, Howell, Ireland, Kump, Lane, McCuskey, Miller, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Raines, Romine, Rowan, Shott, R. Smith, Sobonya, Storch, Sumner, Walters and Westfall.

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips and Skaff.

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

Delegates Lane, Border, Hamrick, Espinosa, Householder, McCuskey, Shott, Cowles, Overington and Ellington moved to amend the committee substitute on page one hundred thirty-four, following line eighty-five, by inserting the following:

"§18A-2-12. Performance evaluations of school personnel; professional personnel evaluation process.

(a) The state board shall adopt a written system for the evaluation of the employment performance of personnel, which system shall be applied uniformly by county boards of education in the evaluation of the employment performance of personnel employed by the board.

(b) The system adopted by the state board for evaluating the employment performance of professional personnel shall be in accordance with the provisions of this section.

(c) For purposes of this section, 'professional personnel', 'professional' or 'professionals', means professional personnel as defined in section one, article one of this chapter.

(d) In developing the professional personnel performance evaluation system, and amendments thereto, the state board shall consult with the Center for Professional Development created in article three-a of this chapter. The center shall participate actively with the state board in developing written standards for evaluation which clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each professional meets such standards.

(e) The performance evaluation system shall contain, but shall not be limited to, the following information:

(1) The professional personnel positions to be evaluated, whether they be teachers, substitute teachers, administrators, principals or others;

(2) The frequency and duration of the evaluations shall be on a regular basis and of such frequency and duration as to insure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn: *Provided,* That for school personnel with five or more years of experience, who have not received an unsatisfactory rating, evaluations shall be conducted no more than once every three years unless the principal determines an evaluation for a particular school employee is needed more frequently: *Provided, however*, That for classroom teachers with five or more years of experience who have not received an unsatisfactory rating, an evaluation shall be conducted or professional growth and development plan required only when the principal determines it to be necessary for a particular classroom teacher, or when a classroom teacher exercises the option of being evaluated at more frequent intervals.

(3) In addition to any evaluation process developed in accordance with the requirements of this section or, which is currently in effect, the

state board shall allow teachers to elect to undergo an alternative professional personnel evaluation process in accordance with the following:

(A) The alternative evaluation process shall evaluate a teacher based upon a three factor test;

(i) Fifty percent of the weight of the evaluation shall be derived from student achievement; and

(ii) Twenty five percent of the weight shall be derived from student surveys; and

(iii) Twenty five percent of the weight shall be derived from classroom observation of the teacher by administrators and peers; which shall be comprised of the following:

(I) Two observations annually from an administrator;

(II) One peer observation for one entire class period; and

(III) Three other peer observations of fifteen minutes each.

(B) Teachers opting to receive this form of evaluation, shall be granted an additional bonus of one thousand dollars for each year in which they participate in this form of evaluation; this bonus is a one-time bonus not included in calculations toward retirement, and may not be construed to increase the base salary of a public employee;

(C) Teachers opting to receive this form of evaluation, shall be granted an additional bonus of two thousand five hundred dollars for each year in which they participate in this form of evaluation, and in which their pupils meet or exceed student achievement standards; this bonus is a one-time bonus not included in calculations toward retirement, and may not be construed to increase the base salary of a public employee.

(D) For purposes of this subsection, the relevant student achievement, student survey, and peer observations standards shall be hereafter developed by the State Board and these standards shall be conducted and determined in accordance with research findings from the Bill and Melinda Gates Foundation cumulative research on measuring effective teaching.

~~(3)~~ (4) The evaluation shall serve the following purposes:

(A) Serve as a basis for the improvement of the performance of the personnel in their assigned duties;

(B) Provide an indicator of satisfactory performance for individual professionals;

(C) Serve as documentation for a dismissal on the grounds of unsatisfactory performance; and

(D) Serve as a basis for programs to increase the professional growth and development of professional personnel;

~~(4)~~ (5) The standards for satisfactory performance for professional personnel and the criteria to be used to determine whether the performance of each professional meets such standards and other criteria for evaluation for each professional position evaluated. ~~Effective July 1, 2003, and thereafter,~~ Professional personnel, as appropriate, shall demonstrate competency in the knowledge and implementation of the technology standards adopted by the state board. If a professional fails to demonstrate competency, in the knowledge and implementation of these standards, he or she will be subject to an improvement plan to correct the deficiencies; and

~~(5)~~ (6) Provisions for a written improvement plan, which shall be specific as to what improvements, if any, are needed in the performance of the professional and shall clearly set forth recommendations for improvements, including recommendations for

additional education and training during the professional's recertification process.

(f) A professional whose performance is considered to be unsatisfactory shall be given notice of deficiencies. A remediation plan to correct deficiencies shall be developed by the employing county board of education and the professional. The professional shall be given a reasonable period of time for remediation of the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the deficiencies.

(g) No person may evaluate professional personnel for the purposes of this section unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills through the center for professional development, or equivalent education training approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating. ~~After July 1, 1994,~~ No person may be issued an administrative certificate or have an administrative certificate renewed unless the state board determines that the person has successfully completed education and training in evaluation skills through the center for professional development, or equivalent education and training approved by the state board.

(h) Any professional whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional recommendations for improvement or may recommend the dismissal of the professional in accordance with the provisions of section eight of this article.

(i) Lesson plans are intended to serve as a daily guide for teachers and substitutes for the orderly presentation of the curriculum. Lesson plans may not be used as a substitute for observations by an administrator in the performance evaluation process. A classroom teacher, as defined in section one, article one of this chapter, may not be required to post his or her lesson plans on the internet or otherwise make them available to students and parents or to include in his or her lesson plans any of the following:

(1) Teach and re-teach strategies;

(2) Write to learn activities;

(3) Cultural diversity;

(4) Color coding; or

(5) Any other similar items which are not required to serve as a guide to the teacher or substitute for daily instruction. ~~and~~

(j) The Legislature finds that classroom teachers must be free of unnecessary paper work so that they can focus their time on instruction. Therefore, classroom teachers may not be required to keep records or logs of routine contacts with parents or guardians.

(k) Nothing in this section may be construed to prohibit classroom teachers from voluntarily posting material on the internet."

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

The yeas and nays having been ordered, they were taken **(Roll No. 44)**, and there were—yeas 20, nays 75, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Armstead, Arvon, Border, Cooper, Cowles, Ellington, Espinosa, D. Evans, Faircloth, Hamrick, Householder, Ireland, Lane, McCuskey, O'Neal, Overington, Shott, Sobonya, Walters and Westfall.

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips, Skaff and Staggers.

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

Delegates Frich, Armstead, Folk, Hamrick, Faircloth, Westfall and Cowles moved to amend the committee substitute on page ninety-three, line fourteen, following the word "monthly", by inserting a colon and the words "*Provided*, That after June 30, 2013, the annual salary may not exceed $175,000."

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

The yeas and nays having been ordered, they were taken **(Roll No. 45)**, and there were—yeas 26, nays 70, absent and not voting 4, with the yeas and absent and not voting being as follows:

YEAS: Anderson, Armstead, Border, Cooper, Cowles, Ellem, Espinosa, Folk, Frich, Gearheart, Householder, Howell, Ireland, Kump, Lane, Miller, E. Nelson, J. Nelson, Raines, Rowan, Shott, R. Smith, Sobonya, Sumner, Walters and Westfall.

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips and Skaff.

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

Delegates Walters, Border, Arvon, Shott, Hamrick, Cowles and Ellington moved to amend the bill on page ninety-six, line thirty-two, by inserting a new section, designated section thirteen, to read as follows:

"**§18-3-13. Electronic textbook pilot program.**

(a) The state superintendent shall establish an electronic textbook pilot program to be implemented in three public schools in each of the

regional education service areas, which shall include one elementary one middle and one high school in each district, for the duration of four years. The public schools designated by the state superintendent for the pilot shall be diversified among rural, suburban and urban neighborhoods in each area and have significant enrollments of disadvantaged, minority and underachieving students. The designated public schools under the direction of the county board and county superintendent shall work in collaboration with the state board to develop and implement strategies that could be replicated in other public schools to improve academic achievement and provide a more efficient method of providing educational resources to students.

(b) As used in this section, 'electronic textbook' means a portable digital electronic device which displays a textbook or other educational materials or presentations in digital format.

(c) Beginning in January, 2014, on or before the first day of the regular session of the Legislature, and each year thereafter, the state superintendent shall make a status report to the Legislative Oversight Commission on Education Accountability and to the state board. The report may include any recommendations based on the progress of the demonstration project that he or she considers either necessary for improving the operations of the demonstration project or prudent for improving student achievement in other public schools through replication of successful demonstration school programs."

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

The yeas and nays having been ordered, they were taken **(Roll No. 46)**, and there were—yeas 23, nays 73, absent and not voting 4, with the yeas and absent and not voting being as follows:

YEAS: Anderson, Armstead, Arvon, Ashley, Border, Cooper, Cowles, Ellem, Ellington, Faircloth, Folk, Frich, Hamrick, Householder, Howell, Ireland, Lane, J. Nelson, O'Neal, Overington, Shott, R. Smith and Walters.

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips and Skaff.

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

Delegates Cowles, Hamrick, Espinosa, Faircloth, Householder, Overington and Ellington moved to amend the bill on page one hundred twenty-eight, line one hundred eighty-eight, by inserting the following:

"ARTICLE 33. WEST VIRGINIANA PUBLIC CHARTER SCHOOLS ACT OF 2013.

§18-33-1. Legislative purpose and intent.

The purpose of this article is to authorize the establishment of public charter schools. The Legislature intends for the public charter schools to provide teachers with the flexibility to design their own education environment and to provide a mechanism for discovering successful education practices that can be replicated in all public schools.

§18-33-2. Definitions.

(a) 'Authorizer' means any county board of education.

(b) 'Governing body' means the organized group of persons who will operate a public charter school by deciding matters including, but not limited to, budgeting, curriculum and other operating procedures for the public charter school and by overseeing management and administration of a public charter school. Each governing body shall consist of the members set forth in section seven of this article.

(c) 'Public charter school' means a public school that is established and operating pursuant to this article.

(d) 'Sponsor' or 'applicant' means a group of teachers, an education organization which may include a state institution of higher education or a local school improvement council filing an application

in support of the establishment of a public charter school. A sponsor or applicant cannot be a for-profit entity, a private school, a religious or church school or promote the agenda of any religious denomination or religiously affiliated entity.

§18-33-3. Public charter schools.

(a) Public charter schools are a part of the state program of public education.

(b) Public charter schools are subject to any regulatory and statutory requirements related to:

(1) Federal and state civil rights;

(2) Federal, state and local health and safety;

(3) Federal and state public records;

(4) Immunizations;

(5) School nutrition;

(6) Confidentiality of student data;

(7) Possession of weapons on school grounds;

(8) Background checks and fingerprinting of personnel;

(9) Federal and state special education services;

(10) Student due process;

(11) Parental rights;

(12) Federal and state student assessment and accountability;

(13) Open meetings;

(14) Freedom of information;

(15) Accounting procedures;

(16) Purchasing procedures;

(17) All school personnel certification requirements; and

(18) All other provisions of state and federal law, state board rules and county board rules except for those specifically listed in subsection (c) of this section.

(c) Subject to subsection (d), public charter schools are not subject to state laws, state board rules and county board rules related to the following:

(1) School calendar;

(2) Any minimum instructional minutes per day requirement;

(3) Except as otherwise provided in this article, any personnel laws set forth in chapter eighteen-a of this code relating to hiring; termination of employment; evaluations; seniority; and reductions in force;

(4) Required programs of study;

(5) Instructional goals and objectives and instructional methods; and

(6) School uniforms, subject to section eight of this article.

(d) In addition to exempting a public charter school from the laws and rules set forth in subsection (c) of this section, the governing body of a public charter school may apply to the state board for a waiver of any provisions of its rules and to the county board for a waiver of any provisions of its rules. Also, the governing body may request the Legislature to exempt it from certain provisions or to change certain school law provisions generally.

§18-33-4. Creation or conversion of charter schools.

(a) A public charter school may be formed by creating a new school or converting an eligible public school to charter status pursuant to the provisions of this article.

(b) Only teachers, education organizations which may include state institutions of higher education and local school improvement councils can convert existing public schools to public charter schools. Only teachers and education organizations which may include state institutions of higher education can create new public charter schools. A local school improvement council may not create a new public charter school.

(c) A sponsor seeking to establish a public charter school shall file a public charter school application with the county board of the county in which the sponsor plans to create the charter school.

(d) Upon a determination that a sponsor meets the requirements set forth in this article, that the merits of the application are in the best interest of the students and that the sponsor has not engaged in any of the conduct that would justify revocation of a public charter school's charter status pursuant to section six of this article, the county board shall approve the application. In determining whether or not to approve the application, the county board only shall consider whether the requirements of this article are satisfied, whether the merits of the application are in the best interest of the students and whether or not the sponsor has engaged in any of the conduct that would justify revocation of a public charter school's charter status pursuant to section six of this article. The county board may not consider any other factor.

(e) A public charter school shall be operated by a not-for-profit organization that is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code. No charter shall be granted to a for-profit entity.

(f) The conversion of a public school is subject to the following:

(1) A sponsor may apply to convert an eligible public school to a public charter school pursuant to the provisions of this article only if sixty percent of the teachers assigned to the school agree and demonstrate support by signing a petition seeking conversion or the local school improvement council at the school demonstrates support by voting unanimously to seek conversion;

(2) The petition or record of vote, as applicable, shall be submitted to the county board along with the public charter school application;

(3) Only for the purposes of a local school improvement council voting to seek conversion, a quorum consists of all members of the local school improvement council; and

(4) Any conversion only shall occur in between employment terms and shall be in compliance with the provisions of this article.

(g) A sponsor may apply to create a new public charter school pursuant to the provisions of this article only if sixty percent of the teachers employed by the county board of the district where the new public charter school will be located agree and demonstrate support by signing a petition seeking conversion. The petition shall be submitted to the county board along with the public charter school application.

(h) No charter application may be approved under this article that authorizes the:

(1) Conversion of any private, parochial, Internet-based or home-based school to charter status; or

(2) Creation of any private, parochial, Internet-based or home-based charter school.

(i) Nothing in this article shall be construed to prohibit any individual or organization from providing funding or other assistance

to the establishment or operation of a public charter school, but the funding or assistance shall not entitle the individual or organization to any ownership interest in the school.

§18-33-5. Application process.

(a) At least sixty days before the proposed public charter school plans to begin operation, the sponsor seeking to establish a public charter school shall prepare and file with the county board an application providing the following information and documents:

(1) A statement defining the mission and goals of the proposed charter school;

(2) The proposed instructional goals and objectives and instructional methods for the school, which at a minimum, shall include teaching and classroom instruction methods that will be used to provide students with the knowledge, proficiency and skills needed to reach the goals of the school;

(3) An operating budget for the first two years of operation of the public charter school based on anticipated enrollment;

(4) A timetable for commencing operations as a public charter school;

(5) Information on the minimum daily instruction time requirements, the minimum instructional day per year requirement and the amount of professional development that will be provided to personnel employed at the public charter school;

(6) The proposed rules and policies for governance and operation of the school;

(7) The identification of the teachers, education organization which may include a state institution of higher education or members of the local school improvement council sponsoring the proposed public charter school, including names and addresses;

(8) The plan for management and administration of the school; and

(9) Any other reasonable information the county board determines is necessary to ascertain whether or not the public charter school is complying with the requirements set forth in this article, whether or not the merits of the application are in the best interest of the students and whether or not the sponsor has engaged in any of the conduct that would justify revocation of a public charter school's charter status pursuant to section six of this article. However, the county board may not require any information that places an undue hardship on the sponsor or results in unnecessary delay in the charter application process.

(b) Much of the information required by subsection (a) of this section is for informational purposes only. Pursuant to section six of this article, the county board only has authority to deny an application for failure to meet the requirements of this article, upon a determination that the merits of the application are not in the best interest of the students or upon a determination that the sponsor has engaged in any of the conduct that would justify revocation of a public charter school's charter status pursuant to section six of this article.

§18-33-6. Approval and denial of application; and charter status term.

(a) The county board has authority to approve or deny applications to establish a public charter school. However, the county board may only deny an application based on failure to comply with the requirements of this article, based on a determination that the merits of the application are not in the best interest of the students or based on a determination that the sponsor has engaged in any of the conduct that would justify revocation of a public charter school's charter status pursuant to this section. The county board shall approve any application when the applicant has fully complied with all the requirements set forth in this article, the county board has determined that the merits of the application are in the best interest of the students

and the county board has determined that the sponsor has not engaged in any of the conduct that would justify revocation of a public charter school's charter status pursuant to this section.

(b) The county board shall approve or deny an initial charter application within ninety days of receiving the application.

(c) If a decision of the county board is to deny a charter school application, it shall state its reasons in writing to the sponsor who submitted the application. The sponsor may correct any deficiencies and resubmit the application or submit an amended application, as applicable. Each time an application is resubmitted or an amended application is submitted, the county board shall approve or deny the charter application within sixty days.

(d) Initial approval of a public charter school application is effective for three years from the date of approval, after which the school's status as a public charter school is revoked unless the sponsor applies for public charter school status and the sponsor's application is approved again pursuant to this article, subject to the following:

(1) Any subsequent approval of a public charter school application is effective for five years from the date of approval;

(2) The county board shall make the determination of whether the approval given is initial approval or subsequent approval. Factors that may be used in making this determination include whether the same sponsor is submitting the application, whether the mission of the school is the same, whether the charter school will be located in the same attendance zone and other factors the county board determines are relevant; and

(3) A county board may revoke a public school's status as a charter school before the end of the three or five year term, as applicable, only if the board determines that the governing body has engaged in gross misconduct, mismanagement of funds, incompetence, willful neglect

of duty that is detrimental to student achievement or two consecutive years without improved test scores.

§18-33-7. Charter school governing body.

(a) A public charter school shall be governed and managed by a governing body consisting of:

(1) Four teachers elected by the faculty senate of the school;

(2) One service person elected by the school service personnel employed at the school. Only service personnel employed as classroom aides, autism mentors, braille or sign language specialists and paraprofessionals are eligible to be elected;

(3) Four parents, guardians or custodians of students enrolled at the school elected by the parent, guardian or custodian members of the school's parent teacher organization. If there is no parent teacher organization, the parent, guardian or custodian members shall be elected by the parents, guardians or custodians of students enrolled at the school in such a manner as determined by the principal and approved by the governing body;

(4) In the case of a school with students in grade nine or higher, the student body president or other student in grade nine or higher elected by the student body in those grades shall be a nonvoting member; and

(5) The county superintendent or his or her designee shall be a nonvoting member. However, in the event of a tie vote of the governing body, the county superintendent or his or her designee shall cast a vote to break the tie.

(b) All members of the governing body except for the county superintendent or his or her designee shall serve two-year terms. However, of the members initially elected to the governing body, two of the teachers and two of the parents, guardians or custodians shall serve a one-year term.

(c) For a newly created public charter school, the principal of the school may serve as the governing body until the governing body is formed. However, in no event may the principal serve as the governing body for more than thirty days.

(d) Under no circumstances may any of the parent members of the governing body be then employed at that school in any capacity nor may any of the parent members have any interest in or connection to the school other than being a parent of one or more of the students at the school.

(e) The principal and one person from the central office selected by the county superintendent shall arrange for the elections to be held each year prior to the beginning of the instructional term and shall give notice of the elections at least one week prior to the elections being held. To the extent practicable, all elections shall be held within the same week.

(f) Elected governing body members only may be replaced upon death, resignation or failure to appear at three consecutive meetings of the governing body for which notice was given.

(g) As soon as practicable after the election of governing body members and no later than the first day of the instructional term, the principal shall convene an organizational meeting of the governing body. The principal shall notify each member in writing at least two employment days in advance of the organizational meeting. At this meeting, the governing body shall elect from its membership a chair to serve a one-year term and a person may not serve as chair for more than two consecutive terms. If the chair's position becomes vacant for any reason, the principal shall call a meeting of the governing body to elect another qualified person to serve the unexpired term. Once elected, the chair is responsible for notifying each member of the governing body in writing two employment days in advance of any meeting of the governing body.

(h) The governing body of each charter school shall meet at least monthly. Upon application of three fifths of the members of the governing body in writing, the chair shall call a meeting of the governing body. If the chair's position is vacant for any reason, upon application of three fifths of the members of the governing body in writing, the principal shall call a meeting of the governing body.

§18-33-8. Compliance.

(a) A public charter school shall:

(1) Operate as a public, nonsectarian, nonreligious public school, with control of instruction vested in the governing body of the school under the general supervision of the county board and in compliance with the charter application as approved by the county board and this article;

(2) Meet the same performance standards adopted by the state board for other public schools;

(3) Receive state, federal and local funds from the county board of the district in which the school is located; and

(4) Provide special education services as required for all public schools by federal law.

(b) A public charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, national origin, religion, ancestry or need for special education services.

(c) A public charter school shall comply with all applicable health and safety standards, regulations and laws of the United States and State of West Virginia.

(d) A public charter school shall be accountable to the county board pursuant to this article.

(e) A public charter school shall be governed and managed by a governing body pursuant to section seven of this article.

(f) The governing body of a public charter school shall be subject to section five, article two, chapter six-b and any other ethical standards that are applicable to county board members.

(g) The meetings of the governing body of a public charter school are considered public business and shall comply with the Open Governmental Proceedings Act set forth in article nine-a, chapter six of this code.

(h) All teachers in a charter school must have a current valid West Virginia teaching certificate or permit.

(i) A public charter school is subject to all state audit procedures and audit requirements, and shall submit quarterly financial reports to the county board of the district in which the public charter school is located.

(j) A public charter school shall not charge tuition.

(k) A public charter school shall be operated on a July 1 to June 30 fiscal year and the governing body shall adopt and operate under an annual budget for the fiscal year. The budget shall be prepared in the same format as that required for county boards, and shall be presented to the county board before the start of the fiscal year.

(l) A public charter school shall maintain its accounts and records in accordance the Governmental Accounting Standards Board standards.

(m) A public charter school shall require all students to wear a school uniform.

(n) Teachers at a public charter school shall be paid a salary that is equivalent to the salary of other teachers in the county with the same

years of service and collegiate or graduate hours. Teachers certified by the National Board for Professional Teaching Standards also shall be paid the bonus pursuant to section two-a, article four, chapter eighteen-a of this code. Additionally, the governing body of the public charter school may award performance pay based on a career ladder concept to teachers at the school using funds of the public charter school. The performance pay based on a career ladder concept shall be based on increases in student achievement and other factors.

(o) Service personnel at a public charter school shall be paid an amount that is equivalent to the pay of other service personnel in the county with the same years of service and pay grade. Service personnel also shall be paid the additional amounts set forth in section eight-a, article four, chapter eighteen-a of this chapter.

(p) A public charter school shall have a faculty senate pursuant to section five, article five-a of this chapter, subject to the following:

(1) The governing body may elect to allocate any amount of funding to the faculty senate. No funds may be allocated to the faculty senate pursuant to section nine, article nine-a of this chapter;

(2) Any process established for faculty members to interview new prospective professional educators and paraprofessional employees at the school pursuant to section five, article five-a of this chapter shall be consistent with section fourteen of this article;

(3) The authority of a faculty senate to review the evaluation procedure as conducted in their school to ascertain whether the evaluations were conducted in accordance with section twelve, article two, chapter eighteen-a of this code does not make public charter schools subject to that section. The faculty senate at a public charter school may review the evaluation procedure and the evaluation procedure as conducted and make recommendations to the principal, governing body or both; and

(4) The provisions of section five, article five-a of this chapter requiring that a faculty senate be provided a two-hour block of time for a faculty senate meeting on a day scheduled for the opening of school and a two-hour block of time on each instructional support and enhancement day does not require a public charter school to dedicate a day for the opening of school or to schedule instructional support and enhancement days pursuant to section forty-five, article five of this chapter. However, a public charter school at least shall provide comparable amounts of time at comparable intervals for the faculty senate to meet.

(q) A public charter school is subject to an audit by the office of education performance audits pursuant to section five, article two-e of this chapter. However, no part of that section makes a public charter school subject to any other legal requirements that a public charter school is otherwise exempt from pursuant to this article.

(r) A public charter school employee is eligible to file a grievance pursuant to article two, chapter six-c of this code. This subsection does not make any personnel provisions set forth in chapter eighteen-a of this code relating to hiring, termination of employment, evaluations, seniority and reductions in force applicable to public charter schools.

§18-33-9. Funding.

(a) The county board of the county in which a public charter school is located shall allocate one hundred percent of the state and local education funds to the public charter school based on the per pupil expenditure of the county board for current operations, subject to sections eleven and fourteen of this article. The per pupil expenditure shall be based on the second month headcount enrollment of the district for the previous school year. All funds shall be spent according to the budget required to be adopted pursuant to section eight of this article, subject to state and federal law.

(b) For a newly created public charter school, funds which would otherwise be allocated on the basis of enrollment in the prior year shall

be allocated, during the first full academic year of operation of any public charter school, on the basis of the anticipated enrollment in the charter application as approved by the county board, which amount shall be subsequently adjusted to reflect the actual number of students enrolled.

(c) A public charter school also may be funded by federal grants; grants, gifts, devises or donations from any private sources; and state funds appropriated for the support of the public charter school, if any, and any other funds that may be received by the county board of the district in which the public charter school is located. Receipt of any of these funds except funds from the county board shall be reported to the county board. Public charter schools, county boards and the state superintendent are encouraged to apply for federal funds appropriated specifically for the support of charter schools.

§18-33-10. Enrollment.

Enrollment at a public charter school shall be determined pursuant to section sixteen, article five of this chapter and in the same manner as enrollment is determined for all other public schools in the district.

§18-33-11. Student transportation.

(a) Transportation shall be provided by agreement with the county board of the district within which the school is located in the same manner it would be provided if the students were enrolled in any other school within the district. The county board may reduce the amount of funding paid to the public charter school under section nine of this article or may otherwise charge the public charter school for the transportation services pursuant to the agreement between the county board and the public charter school.

(b) Except for any agreement with the county board to provide transportation services to public charter school students, a public charter school may not contract out for transportation services.

§18-33-12. Information on charter schools.

(a) The state superintendent shall provide information to the public through the department of education's Internet site and otherwise on how to form and operate a public charter school. This information shall include a standard application format which shall include the information specified in section five of this article.

(b) The state superintendent shall monitor the status of charter school applications and shall maintain information on the total number of charter school applications, total number of charter school applications granted by type of school and total number of charter school applications denied.

§18-33-13. Accumulation of seniority; years of service; deselected school personnel; and resignation.

(a) School personnel employed in a public charter school shall accrue seniority in the district in which the public charter school is located.

(b) School personnel employed in a public charter school shall accrue years of service for the purposes of salary and retirement.

(c) Any permanently employed instructional person at a public charter school who is deselected or resigns shall continue to hold that status as a permanently employed instructional person solely for the purpose of applying for a position in a regular public school pursuant to section seven-a, article four, chapter eighteen-a of this code. Any regularly employed service person at a public charter school who is deselected or resigns shall continue to hold that status as a regularly employed service person solely for the purposes of applying for a position in a regular public school pursuant to section eight-b, article four, chapter eighteen-a of this code. Any person holding permanently employed instructional person status or regularly employed service person status pursuant to this subsection only shall retain that status

pursuant to this subsection until he or she is selected for another position in a regular public school.

(d) Any person employed by a public charter school who is deselected pursuant to section eight, article two, chapter eighteen-a shall not retain the status of a permanently employed instructional person or a regularly employed service person, as applicable, pursuant to subsection (c) of this section.

(e) The transfer limitations and conditions set forth in section seven-a, article four, chapter eighteen-a of this code for persons assigned to professional positions and the transfer limitations and conditions set forth in section eight, article five, chapter eighteen-a of this code for autism mentors and aides who work with autistic students apply to subsection (c) of this section.

§18-33-14. Employment of school personnel; performance pay based on a career ladder concept; insurance; retirement.

(a) School personnel employed at a public charter school are considered employees of the county board of the district in which the public charter school is located for the purposes of salary and benefits. Therefore, all school personnel employed at a public charter school are:

(1) Eligible for public employee insurance agency benefits in the same manner that other school personnel employed by the county board of the district in which the school is located are;

(2) Eligible to participate in either the Teachers Retirement System or the defined contribution plan, as applicable, in the same manner that other school personnel employed by the county board of the district in which the school is located are; and

(3) Eligible for any other benefits provided to other school personnel employed by the county board.

(b) The county board initially shall select the principal of a public charter school. Thereafter, the selection and deselection of the principal shall be made by the county board only upon recommendation of the governing body. Before July 1 of each year, the governing body shall make a recommendation to the county board as to whether to retain the current principal for the next school year or to deselect the current principal. This recommendation to the county board is nonbinding.

(c) Each public charter school shall establish an advisory group for selecting and deselecting teachers at the charter school. This advisory group shall consist of the four teachers on the governing board and one other teacher employed at the public charter school selected by the other teachers at the school. The selection of the one public charter school teacher shall be by an election administered by the principal and one person from the central office selected by the county superintendent. The advisory group shall interview all teacher candidates and recommend one or more candidates for the teaching position. If the principal notifies the advisory group that none of the recommended candidates are acceptable for the teaching position, the advisory group shall recommend one or more additional candidates for the teaching position. This process shall continue until a teacher is hired by the principal to fill the position. For any teacher conducting an interview pursuant to this subsection during a time that is not part of his or her employment term, the public charter school shall pay that teacher in an amount that is based on the time spent conducting the interviews and that teacher's normal rate of pay. However, no teacher may be paid more than the equivalent of five days pay annually for conducting the interviews.

(d) The advisory group required to be created by this section shall recommend a system of performance pay based on a career ladder concept to the governing body within one year of the public charter school receiving its initial authorization. The recommended system of performance pay based on a career ladder concept shall include increases in student achievement and other factors.

(e) The principal of a public charter school shall select personnel to fill positions in the public charter school and the county board shall employ those personnel and assign them to the public charter school. The county board also shall deselect school personnel assigned to a public charter school upon the request of the principal of a public charter school. The principal has supervisory authority over the school personnel assigned to the school.

(f) The county board may not select, deselect or transfer any person employed at a public charter school without the request or direction of the principal of the public charter school.

(g) The county board shall either reduce the amount of funding paid to the public charter school under section nine of this article or may otherwise charge the public charter school for the cost of the salaries and benefits for the school personnel employed by the county board and assigned to the charter school.

§18-33-15. Termination of public charter school.

(a) Upon dissolution of a public charter school for any reason or if a charter is not renewed, any unencumbered public funds from the public charter school revert to the county board of the district in which the public charter school is located.

(b) If a public charter school is dissolved for any reason or a charter is not renewed, the charter school is responsible for all debts of the charter school. Neither the county board of the district where the charter school is located or any other governmental entity may assume the debt from any contract for services made between the governing body of the public charter school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the county board and the governing body of the public charter school.

§18-33-16. Public charter school evaluation.

(a) During the 2017-2018 interim period, the Legislative Oversight Commission on Education Accountability shall conduct a

comprehensive evaluation of public charter schools in West Virginia. The evaluation at least shall include a review of academic achievement in charter schools and the identification of successful practices that should be replicated in other public schools in the state.

(b) In addition to the comprehensive review required in subsection (a) of this section, the Legislative Oversight Commission on Education Accountability also shall conduct limited annual evaluations.

(c) The Legislative Oversight Commission on Education Accountability may request the Joint Committee on Government and Finance to contract with a nationally recognized independent entity with expertise in the subject matter to conduct both the comprehensive evaluation and the limited annual evaluations and report to the Legislative Oversight Commission on Education Accountability."

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

The yeas and nays having been ordered, they were taken **(Roll No. 47)**, and there were—yeas 18, nays 78, absent and not voting 4, with the yeas and absent and not voting being as follows:

YEAS: Armstead, Arvon, Border, Cooper, Cowles, Ellington, Espinosa, D. Evans, Faircloth, Gearheart, Hamrick, Householder, Lane, E. Nelson, O'Neal, Overington, R. Smith and Walters.

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips and Skaff.

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

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

Com. Sub. for H. B. 2124, Creating new code sections which separate the executive departments; 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. 2360, Relating to public school support computation of local share; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2508, Changing the capital investment threshold amount; 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. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act; on second reading, coming up in regular order, was read a second time.

Delegate Cowles moved to amend the bill on page two, line seven, after the word "percent", by inserting a colon and the words "*Provided, however,* That in no event shall any credits authorized under this section be allowed to be carried back, transferred, nor carried forward, for use in any tax year other than the one for which they were authorized."

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

The yeas and nays having been ordered, they were taken (**Roll No. 48**), and there were—yeas 26, nays 69, absent and not voting 5, with the yeas and absent and not voting being as follows:

YEAS: Ambler, Armstead, Border, Canterbury, Cooper, Cowles, Ellington, Espinosa, D. Evans, Faircloth, Folk, Gearheart, Hamrick, Householder, Howell, Ireland, Kump, Lane, McCuskey, Miller, E. Nelson, J. Nelson, Overington, Raines, Rowan and Westfall.

ABSENT AND NOT VOTING: Andes, Fragale, L. Phillips, Shott and Skaff.

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

Delegate Cowles then moved to amend the bill on page three, line twenty-one, by inserting the following new subsection:

"(e) For tax years beginning after December 31, 2015, no further credits shall be allotted under the provisions of this section."

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

The yeas and nays having been ordered, they were taken **(Roll No. 49)**, and there were—yeas 16, nays 78, absent and not voting 6, with the yeas and absent and not voting being as follows:

YEAS: Ambler, Armstead, Cooper, Cowles, Ellington, D. Evans, Faircloth, Folk, Householder, Ireland, Kump, Lane, McCuskey, E. Nelson, Overington and R. Smith.

ABSENT AND NOT VOTING: Andes, Fragale, Marcum, L. Phillips, Shott and Skaff.

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

The bill was then ordered to engrossment and third reading.

H. B. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2534, Relating to the regulation of pawn brokers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2784, Relating to the Deputy Sheriff Retirement System Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2814, Relating to human trafficking; 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. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed; 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. 2858, Relating generally to consumer rate relief bonds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

H. B. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent; on first reading, coming up in regular order, was read a first time and ordered to second reading.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Andes, Fragale, L. Phillips and Skaff.

REMARKS BY MEMBERS

Delegate Caputo requested that the following remarks be printed in the Appendix to the Journal:

Delegate Householder, on the amendment offered by Delegate Lane to Com. Sub. for S. B 359

Delegate Frich, on her own amendment to Com. Sub. for S. B. 359

Delegate J. Nelson, on the amendment offered by Delegate Frich to Com. Sub. for S. B. 359

And,

Delegate Perdue requested that the remarks of Delegate Manypenny concerning his legislation on medical marijuana be printed in the Appendix to the Journal.

Subsequently,

Delegates Householder and Frich expressed their objection to their above referenced remarks being printed in the Appendix to the Journal relative to Com. Sub. for S. B. 359.

The Speaker, in consultation with the Clerk, advised the members having objection to their remarks being printed to file a written statement with the Clerk expressing such objection.

Delegates Householder, Frich and J. Nelson submitted such written objection to the Clerk.

At 2:02 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, March 22, 2013.

FRIDAY, MARCH 22, 2013

THIRTY-EIGHTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, 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 21, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 12, Designating the annual observance of March 31 as "West Virginia State Trooper Day",

And reports the same back with the recommendation that it be adopted.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. C. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 17, The "State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange",

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

Com. Sub. for H. C. R. 17 - "Requesting that the I-79 interchange at Exit 34, the Wallback, West Virginia exit, be named the 'State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Interchange', that each bridge at the interchange be named the 'State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Bridge', and that the east-bound and west-bound lanes of State Route 36 at the interchange be named the 'State Police Cpl. Marshall Lee Bailey and Trooper Eric Michael Workman Memorial Road'."

With the recommendation that the committee substitute be adopted.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (Com. Sub. for H. C. R. 17) to a committee was dispensed with, and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, Delegate Perdue demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 50)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. C. R. 17) adopted.

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

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 11, Requesting the State of West Virginia to annually recognize August 16 as "Airborne Day" in West Virginia,

H. C. R. 66, The "PFC Casey West Memorial Bridge, United States Navy",

H. C. R. 76, The "John W. Pyles Bridge",

H. C. R. 80, Urging the US Congress to move West Virginia from the Environmental Protection Agency's Region 3 office to the Region 4 office in Atlanta,

And,

H. C. R. 88, Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows,

And reports the same back with the recommendation that they each be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 53, The "Oral Gene Castle Bridge",

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

Com. Sub. for H. C. R. 53 – "Requesting the Division of Highways to name the bridge crossing Pine Creek at Omar, Logan County, bridge number 23-119/5-0.23, the 'Oral Gene Castle Bridge'."

With the recommendation that the committee substitute be adopted.

Delegate Moore, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2158, Relating to the provision of financially-related services by banks and bank holding companies,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (H. B. 2158) to the Committee on the Judiciary was abrogated.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

By Delegates Ambler, Barill, Sumner, Espinosa, Raines, Campbell, Walker, Barrett, Cooper, Young and Rowan:

H. B. 3042 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2c, relating to providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at

priority and focus schools; defining focus and priority schools; defining mentoring; specifying method of payment; and specifying eligibility."

In the absence of objection, the Speaker referred the bill (H. B. 3042) to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2592, Establishing a Library Facilities Improvement Fund,

And,

H. B. 2986, Expanding eligibility to the Health Sciences Service Program,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2592 and H. B. 2986) were each referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification,

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

Com. Sub. for H. B. 2717 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-14a, relating to requiring that sheriffs provide ballistic resistant vests to deputy sheriffs; providing standards for personal body armor; requiring payment of expenses by county commission; limiting the construction of provisions; and encouraging defrayment of expenses,"

H. B. 2802, Relating to the Emergency Medical Services Retirement System,

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

Com. Sub. for H. B. 2802 - "A Bill to amend and reenact §16-5V-2, §16-5V-8, §16-5V-11, §16-5V-20, §16-5V-21 and §16-5V-24 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto two new sections, designated §16-5V-8a and §16-5V-35, all relating to the Emergency Medical Services Retirement System; modifying the definition of annual compensation as it relates to determining benefits; adding a definition for contributing service to this article; adding a definition for the terms retire and retirement to this article; providing for correction of participating public employer errors by the board; providing eligibility requirements for commencement of benefits; specifying that the board must be in receipt of a request for estimation of benefits prior to providing a member with an explanation of their estimated gross monthly annuity and a retirement application; providing that a member shall have at least ten years of contributing service to qualify for nonduty related disability retirement; specifying that the total nonduty disability award received by a member shall be based on their average monthly compensation during the twelve month period immediately preceding the disability award; providing that all costs associated with disability benefit examinations shall be paid from the board's expense fund; providing that disability benefits shall cease on the first day of the month following termination of disability by the board; requiring annual

disability recertification for a retirant who is less than sixty years of age during the first five years of retirement and once every three years thereafter; providing that if a member who is receiving a nonduty disability benefit dies the surviving spouse shall receive the average monthly compensation received by the member prior to the disability award; and providing for the annuity calculation for a member who returns to covered employment after retirement,"

And,

H. B. 2945, Relating to the distribution of state funds to volunteer fire departments,

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

Com. Sub. for H. B. 2945 - "A Bill to amend and reenact §12-4-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-3-33a, all relating to the distribution of state funds to volunteer fire departments under the Volunteer Fire Department Workers' Compensation Subsidy Program generally; specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments; establishing the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund and directing that certain moneys be deposited into the fund for the program; and requiring reviews, assessments and reports to the Legislature prior to termination of the program,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2800, Relating to the Teachers' Retirement System,

H. B. 2818, Relating to the Teachers' Defined Contribution Retirement System,

And,

H. B. 2822, Holding liable any participating public employer owing delinquent retirement contributions,

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

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

Your Committee on Finance has had under consideration:

H. B. 2543, Specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service,

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

Delegate Miley, 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. 2809, Authorizing the Division of Corrections to implement a responsible parent program pilot project,

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

Com. Sub. for H. B. 2809 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to authorizing the Division of Corrections to implement a responsible parent program pilot project; setting forth requirements to participate in the program; setting forth program goals; and requiring a report,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 3020, Improving boat dock and marina safety,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3020) was referred to the Committee on Finance.

Delegate Morgan, 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. 2825, Relating to certain appointive state officers' salaries,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2825) was referred to the Committee on Finance.

Delegate Morgan, 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. 2570, Relating to the West Virginia Public Employees Grievance Procedure,

And,

H. B. 2730, Relating to the Real Estate Appraisal Board,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2570 and H. B. 2730) were each referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2849, Relating to audits and investigations by the chief inspector of public offices,

H. B. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions,

And,

H. B. 2936, Relating to the regulation of fireworks,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2849, H. B. 2888 and H. B. 2936) were each referred to the Committee on the Judiciary.

Delegate Morgan, 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. 2395, Relating to senior services,

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

Com. Sub. for H. B. 2395 – "A Bill to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to senior services in-home care registry; providing for 60 day waiver of initial registration fee; and clarifying rule-making authority for the Bureau of Senior Services to require an applicant to obtain a state or federal criminal background check."

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2613, **2643**, **2644**, **2652**, **2653**, **2654** and **2655**, Authorizing the Department of Administration to promulgate legislative rules,

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

Com. Sub. for H. B. 2652 - "A Bill to amend and reenact article 2, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the

Department of Administration; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing the Department of Administration to promulgate a legislative rule relating to selecting design-builders under the Design-Build Procurement Act; authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to general provisions; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to benefit determination and appeal; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Teachers' Retirement System; authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the Public Employees Retirement System; and authorizing the Consolidated Public Retirement Board to promulgate a legislative rule relating to the West Virginia State Police,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3003) was referred to the Committee on Finance.

Delegate Miley, 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. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes,

And reports the same back, with the recommendation that it do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 2992) to the Committee on Finance was abrogated.

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

Your Committee on Finance has had under consideration:

H. B. 2453, Expanding the Amber Alert Plan,

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

Com. Sub. for H. B. 2453 - "A Bill to amend and reenact §15-3A-4 of the Code of West Virginia, 1931, as amended, all relating to the activation of the Amber Alert Plan, requiring a reporting law enforcement agency to report a suspected missing or abducted child to the West Virginia Sate Police in the initial stages of investigation, and requiring the West Virginia State Police to contact Amber Alert for determination of alert criteria,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 3013, Authorizing the establishment of job creation work groups,

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

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 371 - "A Bill to amend and reenact §25-1-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §28-5-27 of said code; to amend said code by adding thereto two new sections, designated §31-20-5g and §31-20-5h; to amend and reenact §61-7-6 of said code; to amend and reenact §62-11A-1a of said code; to amend and reenact §62-11B-9 of said code; to amend and reenact §62-11C-2, §62-11C-3 and §62-11C-6 of said code; to amend said code by adding thereto a new section, designated §62-11C-10; to amend and reenact §62-12-6, §62-12-7, §62-12-9, §62-12-10, §62-12-13, §62-12-14a, §62-12-15, §62-12-17 and §62-12-19 of said code; to amend said code by adding thereto a new section, designated §62-12-29; to amend and reenact §62-15-2 of said code; and to amend said code by adding thereto two new sections, designated §62-15-6a and §62-15-6b, all relating to public safety; requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; mandating one year of supervised release for violent inmates;

mandating one hundred eighty days of supervised release for nonviolent inmates; requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; requiring the West Virginia Regional Jail Authority and Correctional Facility to utilize a standardized pretrial risk-screening instrument adopted by the Supreme Court of Appeals of West Virginia; requiring the authority to develop and implement cognitive behavioral programming for inmates in regional jails committed to the custody of the Commissioner of Corrections; exempting parole officers from prohibitions against carrying concealed weapons; moving definition of 'day report center' to section relating to conditions of release on probation; providing standards and limitations under which judges and magistrates may impose a period of supervision or participation in day report program; clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; adding representative of the Bureau for Behavioral Health and Health Facilities to the community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction; providing that the community corrections subcommittee review, assess and report on the implementation of evidence-based practices in the criminal justice system; adding member with a background in substance abuse treatment and services to the community criminal justice boards of each county or combination of counties; providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs and provide annual report; requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to the same; requiring probation officers to perform random drug tests of persons under supervision; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers; authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority; providing standards and limitations under which judges may impose a term of

reporting to a day report center or other community corrections program as a condition of probation; authorizing day report center programs to provide services based on the results of a person's standardized risk and needs assessment; providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding or committing new criminal conduct; creating exceptions to new criminal conduct provisions; requiring copies of graduated sanctions confinement orders be supplied to the Commissioner of Corrections; providing that graduated sanctions confinement be paid by the Division of Corrections; revising eligibility requirements for accelerated parole program; requiring that Division of Corrections' policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results; providing for rebuttable presumption that parole is appropriate for inmates completing the accelerated parole program and a rehabilitation treatment program; providing standards and limitations for Parole Board; outlining duties of the Division of Corrections to supervise, treat and provide support services for persons released on mandatory supervised release; removing temporal standard for requirement that the Parole Board have access to a copy of an inmate's physical, mental or psychiatric examination; authorizing Division of Corrections employ directors of housing and employment for released inmates with duties relating to the reduction of parole release delays and finding employment; requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner's supervision standards; authorizing the Commissioner of Corrections to issue a certificate authorizing a parole officer to carry firearms or concealed weapons; providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole; authorizing the Commissioner of Corrections to enter into a master agreement with the Division of Justice and

Community Services to reimburse counties for use of the community corrections programs; clarifying that parolee participation in community corrections is at program director's discretion; providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding or certain new criminal conduct; providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole; providing that graduated sanctions incarceration for parolees be paid for by Division of Corrections; providing for a Community Supervision Committee to be appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia to coordinate the sharing of information for community supervision and requiring submittal of an annual report; revising definitions; providing standards and limitations under which judges may order treatment supervision for drug offenders; requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to serve those under treatment supervision in each judicial circuit; providing that the Division of Justice and Community Services is responsible for developing standards relating to quality and delivery of substance abuse services, requiring certain education and training, paying for drug abuse assessments and certified drug treatment from appropriated funds and requiring submittal of an annual report; outlining duties of treatment supervision service providers; providing for state payment of drug court participants' incarceration under certain circumstances; defining terms; and making technical changes"; which was referred to the Committee on the Judiciary then Finance.

RESOLUTIONS INTRODUCED

Mr. Thompson, Mr. Speaker, and Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 91 - "Requesting the Division of Highways to name the stretch of County Highway 5, also known as Mud Fork Road, in Logan County, West Virginia, beginning at the intersection of County Road 119/26 and County Road 119/14, continuing NW for 10.6 miles and

ending at the intersection of County Highway 5 and East Fork Road, the 'Platoon Sgt Clifford Tomblin Highway, United States Army'."

WHEREAS, Clifford Tomblin was born in Mingo County, West Virginia, on August 17, 1920, son of Harrison Tomblin and Celia (McCoy) Tomblin; and

WHEREAS, Clifford Tomblin, while a resident of Logan County, West Virginia, was inducted into the United States Army on September, 30, 1942; and

WHEREAS, Clifford Tomblin entered into active service on October 14, 1942; and

WHEREAS, Clifford Tomblin devoted three years of his life, fighting for the nation's and the world's freedom; and

WHEREAS, While in the United States Army, Clifford Tomblin rose to the rank of Platoon Sergeant, serving as a leader of men; and

WHEREAS, While engaged in active warfare, Platoon Sergeant Tomblin fought in several battles and campaigns including Rome, Arno, the North Apennines, PO Valley and North Africa; and

WHEREAS, While stationed in Italy, Platoon Sergeant Tomblin was wounded in action on July 15, 1944; and

WHEREAS, During his military service, Platoon Sergeant Tomblin showed himself to his men and to his superior officers to be a man of courage, strength, leadership and loyalty as he risked his life over and over again in defense of freedom; and

WHEREAS, For his courage and valor, Platoon Sergeant was awarded several decorations and citations including the Purple Heart Medal, the Bronze Star Medal, the Silver Star Medal, the Good Conduct Medal and the European African Middle Easter Service Ribbon; and

WHEREAS, Platoon Sergeant Clifford Tomblin received an honorable discharge from the United States Army on October 22, 1945, after having served his country with pride, a pride that would continue throughout his life; and

WHEREAS, In light of Platoon Sergeant's uncomplaining dedication to preserving our nation's and our world's freedom during the great war of WWII combined with his lifelong history and love of Logan County, West Virginia, where he lived throughout his life with his spouse, Janice Carter Tomblin, it is only fitting that a road he and his loved ones traveled countless times, Mud Fork Road, should carry his name; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a stretch of County Highway 5, also known as Mud Fork Road, in Logan County, West Virginia, beginning at the intersection of County Road 119/26 and County Road 119/14, continuing NW for 10.6 miles and ending at the intersection of County Highway 5 and East Fork Road, the "Platoon Sgt Clifford Tomblin Highway, United States Army"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made several signs that state, in bold and prominent lettering, the "Platoon Sgt Clifford Tomblin Highway, United States Army" and to erect these signs, one at either end of the stretch of highway and others strategically placed at intervals on both sides of the road along the 10.6 mile stretch; and, be it

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

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

H. C. R. 92 - "Requesting the Division of Highways to name bridge number 23-119/5-1.80 on County Route 119/5 in Logan County, the 'Army Corporal Randell Maynard Bridge'."

WHEREAS, Corporal Maynard was born on July 31, 1946 in Omar to Grady and Sarah Maynard; and

WHEREAS, Corporal Maynard graduated from Logan High School in 1964; and

WHEREAS, Corporal Maynard entered the United States Army in September 1966 and was honorably discharged in September 1968 after serving in Vietnam; and

WHEREAS, In June 1969, Corporal Maynard married Sharon Simms and they raised three children, Matt, Sherry and Jason; and

WHEREAS, Following his military service Corporal Maynard was employed in mining construction and retired in 1996; and

WHEREAS, Corporal Maynard has long been involved with his community, including tirelessly working with the Omar Little League and the annual Pine Creek Reunion; and

WHEREAS, It is fitting to honor Corporal Maynard for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119/5-1.80 on County Route 119/5 in Logan County, the "Army Corporal Randell Maynard 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 "Army Corporal Randell Maynard Bridge"; and, be it

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

Delegates Howell, Azinger, Ellington, Espinosa, A. Evans, Rowan and Shott offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 93 - "Requesting the Joint Committee on Government and Finance to make a study of county self government in the State of West Virginia."

WHEREAS, Changes in the system and organization of local government in West Virginia and in the powers granted to said local governments may increase efficiency and maintain or improve existing services; and

WHEREAS, Changes in the administration and operations of local governments may allow the various regions of the state to better address their different local and regional needs by permitting counties to use a wider range of resources with greater flexibility in their efforts to formulate local and regional approaches for the encouragement of economic development and the provision of services to residents; and

WHEREAS, Before any expansion of taxing authority of local governments can fairly be considered, there must first be an analysis of local government efficiency, tax fairness and stability, and the balance between quality services and the level of taxation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance be requested to create an Inter-Governmental Study Commission.

That such commission shall consist of fifteen members; three members to be appointed by the President of the Senate, not more than

two members so appointed to be members of the Senate, with no more than one of such Senate members to be of the same party, and one member to be a representative, private citizen; three members to be appointed by the Speaker of the House of Delegates, with not more than two members so appointed to be members of the House of Delegates, with no more than one of such house members to be of the same political party, and one member to be a representative, private citizen; and three members to be appointed by the Governor. The representative, private citizen members should include persons with background, knowledge or experience in taxation, economics, current conditions of business and industry, labor, commerce, or other activities fundamental to the business environment; and such other persons found eligible by the appointing authority because of sound judgment and deep interest may be appointed as representative citizens.

Such commission shall also consist of six members representing local governments, three of whom shall represent the interest of counties, and three of whom shall represent the interests of municipalities, to wit: The Association of Counties and the West Virginia Municipal League shall each submit a list of members to the Governor, the President of the Senate and Speaker of the House, from which list each shall appoint one county representative and one municipal representative; and, be it

Further Resolved, That the pilot counties be granted the authority to adopt a specific home rule charter with sunset provisions to allow for a trial period of home rule in that county to begin an appropriate analysis. The county will submit a plan indicating the necessity, implementation, and administration of the pilot program to said commission. The commission is hereby requested to review, examine and study the present structure of county and municipal governments in West Virginia, evaluate the pilot county's program and progress to make recommendations on how the entire local government system, the Constitution of West Virginia and the statutes of West Virginia related thereto may be improved or amended to increase efficiency and maintain existing services; and, be it

Further Resolved, That the said commission is hereby requested to define the term "Self Government," to examine the Self Government concept in depth, and propose specific organizational and fiscal solutions; and, be it

Further Resolved, That the commission shall elect one of its members as chairman, one as vice chairman and other officers as it deems appropriate. Vacancies on the commission shall be promptly filled by the original appointing authority.

The commission may employ such professional, clerical and technical assistants as it deems necessary in order to perform its duties, and may request information from any state, county, or municipal officer or agencies in order to assist the performance of its duties.

The commission shall meet in Charleston or elsewhere as it may deem necessary or appropriate, and it shall convene at least quarterly and at such other times as its duties may require. The first meeting shall be called jointly by the President of the Senate and the Speaker of the House of Delegates, one of whom shall preside temporarily and until a chairman is elected.

The interim findings of the Inter-Governmental Study Commission shall be reported to the Legislature at the interim sessions of the Legislature, 2013, with respect to progress of activities, programs and plans of the commission toward the development of recommendations; and a report of the commission shall be submitted to the Legislature at its regular session, 2014, unless the existence of the Inter-Government Study Commission is continued by resolution or other action of the Joint Committee on Government and Finance; and, be it

Further Resolved, That the expenses necessary to conduct the commission's study and to prepare appropriate reports, recommendations and proposed legislation be paid from the legislative appropriations to the Joint Committee on Government and Finance.

Delegates Caputo (By Request), Swartzmiller, Longstreth and Manchin offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 94 - "Requesting the Joint Committee on Government and Finance, together with a representative group of child psychologists from West Virginia's public institutions of higher education, study whether the age of fourteen is the appropriate age for a child to have the right to nominate a guardian."

WHEREAS, A child of fourteen is often unaware of his or her needs and, therefore, unable to make a choice of guardian in his or her own best interests; and

WHEREAS, It is possible, if not likely, that the emotional, psychological and social development of a child fourteen years of age may result in a decision that is not in their best interests; and

WHEREAS, The State of West Virginia has a long history of legislation that promotes the best interests of the child; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance, together with a representative group of child psychologists from West Virginia's public institutions of higher education, study whether the age of fourteen is the appropriate age for a child to have the right to nominate a guardian; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Armstead, Shott, O'Neal, E. Nelson, Ellington, Miller, Howell and Hunt:

H. J. R. 36 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article VII thereof, by adding thereto a new section, designated section twenty, relating to the eligibility of the Attorney General; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then the Judiciary.

BILLS INTRODUCED

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

By Mr. Speaker, Mr. Thompson, and Delegates Craig, Hunt, Marcum, Caputo, Ferro, R. Phillips, Williams and Boggs:

H. B. 3043 – "A Bill to amend and reenact §11-13BB-3 of the Code of West Virginia, 1931, as amended, relating to including methane monitoring equipment as eligible safety equipment for tax credit purposes"; to the Committee on Finance.

By Delegates Hamrick, Butler, Householder, Overington, Westfall, Cooper and Cadle:

H. B. 3044 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5D-1, §18-5D-2 and §18-5D-3, all relating to providing a procedure for local school boards to obtain authorization from the State Board of Education for innovation and flexibility in the local school system, and to provide a tuition and transportation tax credit for students who transfer from failing schools to nonfailing schools"; to the Committee on Education then Finance.

By Delegates Hamrick, Gearheart, Campbell, Howell, Shott and J. Nelson:

H. B. 3045 – "A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to the removal of specific statutory restrictions on outdoor advertisement"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Fleischauer and Morgan:

H. B. 3046 – "A Bill to amend and reenact §22-6-9, §22-6-10 and §22-6-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-6A-8, §22-6A-10 and §22-6A-11 of said code, all relating to requiring the Department of Environmental Protection to issue a procedural rule to allow surface owners a right to a hearing and appeal of a decision of the department to issue, condition or deny a permit for certain well work on the surface owner's land"; to the Committee on the Judiciary then Finance.

By Delegates Armstead, E. Nelson, White, D. Evans, Lane, Butler, Canterbury, Householder, Espinosa, Shott and Ireland:

H. B. 3047 – "A Bill to amend and reenact §11-13A-20a of the Code of West Virginia, 1931, as amended, relating to establishing the Tax Reduction Fund in the State Treasury; directing a portion of annual revenue attributable to the severance tax on natural gas be deposited into the Tax Reduction Fund; providing for appropriation and distribution of funds in the Tax Reduction Fund contingent upon the adoption of a constitutional amendment of the Constitution of the State of West Virginia permitting the elimination or reduction of personal property tax on inventory and equipment held for commercial or industrial use; setting forth the use of funds for the purpose of tax reduction; setting forth the distribution of funds to each county; requiring moneys directed to counties to be applied to reduce the personal property tax rate applied to certain personal property held or used for commercial or industrial use"; to the Committee on Finance.

By Delegate Howell:

H. B. 3048 – "A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated

§7-1-16 relating to authority and jurisdiction of county commissions to hear actions for ejectment and other actions in resolution of real property prescriptive easements or disputes"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Faircloth, Sobonya, Williams, Rowan, O'Neal, Arvon, Westfall and Border:

H. B. 3049 – "A Bill to amend and reenact §16-2D-6 of the Code of West Virginia, 1931, as amended, relating to minimum criteria of certificate of need reviews; and removing the provision requiring persons or entities to demonstrate that the provision of personal care services will result in no additional burden to the state when an application is made by a hospital, nursing home or other health care facility to provide ventilator services which have not previously been provided for a nursing facility bed"; to the Committee on Health and Human Resources then Finance.

By Delegates Lawrence, Barrett and Skinner:

H. B. 3050 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2c, relating to salary increases for teachers based on residential housing costs"; to the Committee on Education then Finance.

By Delegates Boggs and Manchin:

H. B. 3051 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6-42, relating to fees charged for natural gas drilling waste fluids injected into underground injection control wells; requiring record keeping; defining a term; providing criminal penalties; setting forth how the proceeds from the fees may be used; and authorizing rulemaking"; to the Committee on the Judiciary then Finance.

By Delegates Shott, McCuskey and Gearheart:

H. B. 3052 – "A Bill to amend and reenact §11-22-1 of the Code of West Virginia, 1931, as amended, relating to exempting from excise taxation the transfer of real property from an individual to a wholly-

owned subsidiary or limited liability company"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Ellington and Gearheart:

H. B. 3053 – "A Bill to amend and reenact §21A-1A-17 of the Code of West Virginia, 1931, as amended, relating to the labor-management relations act for the private sector; expanding exclusions from the term employment in that article generally"; to the Committee on the Judiciary then Finance.

By Delegates Ashley, Iaquinta and Young:

H. B. 3054 – "A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended, all relating to requiring that athletic trainers be licensed, instead of registered, by West Virginia Board of Physical Therapy"; to the Committee on Government Organization then the Judiciary.

By Delegates Perdue and Ellington:

H. B. 3055 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; and to amend said code by adding thereto a new section, designated §33-16D-17, all relating to insurance deductibles; extending the plan year by two additional months for the purpose of calculating deductibles"; to the Committee on Health and Human Resources then Finance.

By Delegates Howell, J. Nelson, Rowan, A. Evans, Romine, R. Smith, Williams, R. Phillips, Moore, White and Marcum:

H. B. 3056 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, all relating to providing a special method for valuation of certain wireless technology property for property taxes; defining terms; providing mandated

salvage valuation of certain wireless businesses' property; specifying method for valuation of certain property; requiring initial determination by county assessors of whether certain property is subject to this article; and specifying procedure for protest and appeal of determination by county assessor"; to the Committee on the Judiciary then Finance.

By Delegates Howell, Hamrick, Rowan, A. Evans, E. Nelson, Ashley, McCuskey, Hamilton, Westfall, Azinger and Hunt:

H. B. 3057 – "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to traffic safety; specifically, establishing the offense of operating a motor vehicle using a wearable computer with a head-mounted display"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates White, Ireland, Craig, R. Phillips, Anderson, Miley and Morgan:

H. B. 3058 – "A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §11-1C-5c and §11-1C-5d, all relating to the valuation of motor vehicles for purposes of ad valorem property taxes; requiring a minimum valuation; requiring antique motor vehicles not used as a primary vehicle to be assigned an appraised value of $5,000; and providing that a reconciliation excise tax is imposed on the sale of an antique motor vehicle to recapture revenue from the sale"; to the Committee on Roads and Transportation then Finance.

By Delegates Pasdon and Caputo:

H. B. 3059 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48, relating to requiring county boards of education to allow students with disabilities to participate in high school graduation ceremonies with their peers; prohibiting county boards from denying continued education services to students with disabilities due to participating in the graduation ceremonies; making findings; requiring the Department

of Education to monitor and enforce compliance; and authorizing rule-making"; to the Committee on Education then the Judiciary.

By Delegates Boggs, Manchin and Miley:

H. B. 3060 – "A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Oil and Gas Conservation Commission to regulate the horizontal deep wells"; to the Committee on the Judiciary.

By Delegate Manchin:

H. B. 3061 – "A Bill to amend and reenact §44-10-4 of the Code of West Virginia, 1931, as amended, relating to the right of a minor to nominate a guardian; changing the law to require that a minor be sixteen years of age or older rather than the age of fourteen as required under existing law"; to the Committee on the Judiciary.

By Delegates Williams, A. Evans, Craig, Hartman and R. Phillips

[By Request of the Department of Agriculture]:

H. B. 3062 – "A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to removing the cap for collections into the land division special revenue account of the Department of Agriculture"; to the Committee on Agriculture then Finance.

By Delegate Miller:

H. B. 3063 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, §9-4F-9, §9-4F-10 and §9-4F-11, all relating to improving program integrity for Medicaid and the Children's Health Insurance Program by implementing waste, fraud and abuse prevention, detection and recovery; legislative intent; definitions; data verification and provider screening technology solutions; state-of-the-art clinical code editing technology; state-of-the-art predictive modeling and analytics technologies; implementation of fraud investigative services combining retrospective claims analysis and prospective waste, fraud

or abuse detection; implementation of Medicaid and Children's Health Insurance Program claims audit and recovery services; contracting with or using contractor selection process with information from the Cooperative Purchasing Network; providing contract entities with appropriate access to claims and other data; and reports required filed with the Legislature"; to the Committee on Health and Human Resources then Finance.

By Delegate Manypenny:

H. B. 3064 – "A Bill to amend and reenact §11-1C-10 and §11-1C-11 of the Code of West Virginia, 1931, as amended, all relating to requiring owners of property with four thousand or more acres certified as managed timberland to allow the general public to use the land for certain recreational purposes for that property to maintain its preferential tax status as managed timberland; findings; and rules"; to the Committee on Natural Resources then the Judiciary.

By Delegate Manypenny:

H. B. 3065 – "A Bill to transfer land located in the Western District, Taylor County, West Virginia, from the State of West Virginia to the Taylor County Commission for the use and benefit of the county commission for the purpose of developing a youth recreational complex"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Miley and Manchin:

H. B. 3066 – "A Bill to amend and reenact §17C-14-15 of the code of West Virginia, 1931, as amended, relating to traffic regulations, laws of the road; miscellaneous rules; and prohibiting the denial of insurance coverage based on the prohibited use of electronic communications devices while driving"; to the Committee on the Judiciary.

By Delegates Manchin, Shott, Sponaugle, Fleischauer, Walters, Caputo, Longstreth and Ellem:

H. B. 3067 – "A Bill to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating to limitations of actions

and suits; and reducing the number of defendants named in the beginning of a lawsuit by tolling the statute of limitations against all tortfeasors upon filing direct claims against tortfeasors"; to the Committee on the Judiciary.

By Delegates Craig, Hunt, Marcum, R. Phillips and Williams:

H. B. 3068 – "A Bill to amend and reenact §11-6F-1 and §11-6F-2 of the Code of West Virginia, 1931, as amended, all relating to expanding the property appraisal provisions of this article to include qualified capital additions to coal production facilities"; to the Committee on the Judiciary then Finance.

By Delegates Miley, Manchin, Hunt, Poore, Sponaugle, Skinner, Ellem and Lane

[By Request of the Supreme Court of Appeals]:

H. B. 3069 – "A Bill to amend and reenact §23-5-16 of the Code of West Virginia, 1931, as amended, relating to access to justice; providing that attorney fees may be awarded in workers' compensation medical treatment cases; and providing fee limits"; to the Committee on the Judiciary then Finance.

By Delegates Swartzmiller, Barill, Perry, Ferro, Perdue, Diserio and Storch:

H. B. 3070 – "A Bill to amend and reenact §50-3-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-11 of said code, all relating to bail bond surcharge, providing for collection of a surcharge deposited to the General County Revenue Fund, and designating this surcharge to be used to offset regional jail costs"; to the Committee on the Judiciary then Finance.

By Delegates Pino and Perry:

H. B. 3071 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-11-22a, relating to civil penalties and civil administrative penalties for violations of the Water Pollution Control Act"; to the Committee on the Judiciary then Finance.

By Delegates Hunt, Marcum, R. Phillips and Williams:

H. B. 3072 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4 and §11-13DD-5, all relating to providing a tax credit to coal producers who sell coal to taxpayers who increase their consumption of West Virginia coal in this state for the purpose of increasing coal production and coal related employment in West Virginia"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Ellington, Canterbury, R. Smith, Arvon, Border, Frich, Shott, Gearheart, Azinger and A. Evans:

H. B. 3073 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-44-14, relating to creating the 'Health Care Choice Act'; and enabling insurers authorized to sell insurance coverage in selected states to engage in the business of insurance in West Virginia"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Butler, Householder and Ellington:

H. B. 3074 – "A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to serious traffic offenses; driving under the influence of alcohol, controlled substances or drugs; increasing the criminal penalties; and providing that the changes may be cited as 'Andrea's Law'"; to the Committee on the Judiciary then Finance.

By Delegates E. Nelson, Storch, Ferns, Diserio, D. Evans, Ferro, Jones, Swartzmiller, Miley and Morgan:

H. B. 3075 – "A Bill to amend and reenact §22-15A-22 of the Code of West Virginia, 1931, as amended, relating to permitting the disposal of drill cuttings and associated drilling mud generated from well sites in solid waste landfills, even if the disposal pushes the landfill above its maximum monthly permitted limits; providing that those facilities may only be allowed to exceed permitted tonnage limits by a maximum of forty percent of waste comprised solely of drill

cuttings and associated drilling mud; and prohibiting a solid waste facility from refusing to take municipal solid waste until it has reached its monthly permitted limit"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

SPECIAL CALENDAR

UNFINISHED BUSINESS

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

H. C. R. 50, Requesting the Joint Committee on Government and Finance to schedule the June 2013 Legislative Interim Committee meetings in Wheeling during the week of June 20,

H. C. R. 73, The "Nancy E. May Memorial Bridge",

H. C. R. 74, The "USMC LCpl. David Lee Powell Memorial Bridge",

H. C. R. 78, The "Louis J. 'Zeke' Trupo Bridge",

And,

H. C. R. 87, Requesting the Division of Highways to erect signs at the Tyler County line that read "Home of the 2011 FFA Land Judging and Homesite Evaluation National Champions".

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. 359, Relating generally to reforming public education; on third reading, coming up in regular order, was read a third time.

Delegates Armstead, Lawrence and Boggs requested to be excused from voting on the passage of Com. Sub. for S. B. 359 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, 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. 51)**, and there were--yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting and paired being as follows:

NAYS: Gearheart and Kump.

ABSENT AND NOT VOTING: Andes, Fragale and L. Phillips.

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

PAIRED:

Moore (YEA) Gearheart (NAY)

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 359) passed.

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

Delegate Kump addressed the House regarding Com. Sub. for S. B. 359, and at the conclusion thereof, Delegate Faircloth asked and obtained unanimous consent that such remarks be printed in the Appendix to the Journal.

Com. Sub. for H. B. 2124, Creating new code sections which separate the executive departments; 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. 52)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2124) 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. 2360, Relating to public school support computation of local share; 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. 53)**, and there were--yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Gearheart.

ABSENT AND NOT VOTING: Andes, Fragale and L. Phillips.

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

PAIRED:

Moore (YEA) Gearheart (NAY)

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2360) passed.

Delegate Boggs moved that the bill take effect July 1, 2013.

On this question, the yeas and nays were taken (**Roll No. 54**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Gearheart.

ABSENT AND NOT VOTING: Andes, Fragale and L. Phillips.

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

PAIRED:

Moore (YEA) Gearheart (NAY)

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. 2360) takes effect July 1, 2013.

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

H. B. 2508, Changing the capital investment threshold amount; 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. 55**), and there were--yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Kump.

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2508) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2508 - "A Bill to amend and reenact §7-22-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-7 of said code, all relating to the amount of capital investment required as a prerequisite to approval of an economic opportunity development district project; increasing the capital investment threshold amount from more than $25 million to more than $75 million for development expenditures proposed to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first twenty-four months following their creation; and increasing the capital investment threshold amount from more than $25 million to more than $75 million for development expenditures in a project involving remediation to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first forty-eight months following their creation."

Delegate Boggs moved that the bill take effect July 1, 2013.

On this question, the yeas and nays were taken **(Roll No. 56)**, and there were--yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Kump.

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2508) takes effect July 1, 2013.

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. 2514, Lowering the total amount of tax credits available under the Film Industry Investment Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 57)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2514) 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. 2516, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 58)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2516) passed.

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

On this question, the yeas and nays were taken **(Roll No. 59)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2516) 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. 2534, Relating to the regulation of pawn brokers; 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. 60)**, and there were--yeas 83, nays 13, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Arvon, Butler, Cadle, D. Evans, Folk, Frich, Householder, Howell, Hunt, Ireland, Kump, J. Nelson and R. Smith.

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2534) 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. 2784, Relating to the Deputy Sheriff Retirement System Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 61)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2784) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2784 - "A Bill to amend and reenact §7-14D-2, §7-14D-7, §7-14D-9, §7-14D-16 and §7-14D-19 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §7-14D-7a, all relating to the Deputy Sheriff Retirement System Act; defining member, retire and retirement; providing for the correction of errors; providing that an estimation of benefits is provided prior to the submission of a retirement application from a member; and providing for recertification of disability."

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

H. B. 2814, Relating to human trafficking; 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. 62**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2814) 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. 2848, Providing the process for requesting a refund after forfeiture of rights to a tax deed; 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. 63)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2848) 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. 2858, Relating generally to consumer rate relief bonds; 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. 64)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2858) passed.

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

On this question, the yeas and nays were taken **(Roll No. 65)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

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. 2858) 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.

H. B. 2933, Providing notification to a prosecuting attorney of an offender's parole hearing and release; on third reading, coming up in regular order, was read a third time.

Delegate Marcum requested to be excused from voting on the passage of H. B. 2933 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill but exhibited no direct personal or pecuniary interest therein, and refused to excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 66)**, and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Fragale, Gearheart and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2933) 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

H. B. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2237, Requiring physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain,

Com. Sub. for H. B. 2583, Establishing a regulatory system for sexual assault forensic examinations,

Com. Sub. for H. B. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs,

And,

Com. Sub. for H. B. 2733, Relating to hearings before the Office of Administrative Hearings.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Andes, Fragale, Gearheart and L. Phillips.

REMARKS BY MEMBERS

Delegates Armstead, Cowles, Ellington, Espinosa, Faircloth and McCuskey addressed the House regarding S. B. 359, and at the conclusion thereof, Delegate Lane asked and obtained unanimous consent that such remarks be printed in the Appendix to the Journal.

Delegates Caputo, Boggs, M. Poling and Stowers also addressed the House regarding S. B. 359, and at the conclusion thereof, Delegate Caputo asked and obtained unanimous consent that such remarks be printed in the Appendix to the Journal.

Delegate Armstead asked and obtained unanimous consent that the remarks of Delegate J. Nelson concerning his upcoming deployment with the National Guard be printed in the Appendix to the Journal.

Delegate Ashley asked and obtained unanimous consent that the remarks of Delegate Ireland regarding lawyers be printed in the Appendix to the Journal.

At 1:03 P.M., the House of Delegates adjourned until 11:00 A.M., March 25, 2013.

MONDAY, MARCH 25, 2013

FORTY-FIRST DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Friday, March 22, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Ninth Order of Business for the purpose of considering a resolution on Unfinished Business.

SPECIAL CALENDAR

UNFINISHED BUSINESS

H. C. R. 11, Requesting the State of West Virginia to annually recognize August 16 as "Airborne Day" in West Virginia; coming up in regular order, as unfinished business, was read by the Clerk.

The question now being on the adoption of the resolution, Delegate Lane demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 67**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Andes, Canterbury, Fragale and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 11) adopted.

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

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 52, The "Richardson Brothers' Memorial Highway, United States Army, World War II",

H. C. R. 67, The "J. Cecil Jarvis Memorial Bridge",

And,

H. C. R. 75, The "USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge",

And reports the same back with the recommendation that they each be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 7, The "Sgt. Michael Todd May Memorial Bridge",

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

Com. Sub. for H. C. R. 7 – "Requesting that bridge number 31-N0099-0.04 on Sabraton Avenue in Morgantown, Monongalia County,

West Virginia, be named the 'County Sheriff Sgt. Michael Todd May Memorial Bridge',"

H. C. R. 37, The "Sgt. Norman R. Cunningham Memorial Bridge",

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

Com. Sub. for H. C. R. 37 – "Requesting the Division of Highways to rename the Reader Bridge in Wetzel County, bridge number 52-48-0.01, the 'U.S. Army Sgt. Norman R. Cunningham Memorial Bridge',"

And,

H. C. R. 81, The "Brigadier General Timothy C. Barrick Memorial Bridge",

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

Com. Sub. for H. C. R. 81 – "Requesting the Division of Highways to name the bridge at the south end of Sistersville on Route 2, bridge number 48-2-8.84, as the 'Brigadier General Timothy C. Barrick Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted.

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

Your Committee on Finance has had under consideration:

H. B. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund,

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

Com. Sub. for H. B. 2519 - "A Bill to amend and reenact §11-24-43a of the Code of West Virginia, 1931, as amended; to amend and reenact §31-15A-16 of said code; and to amend and reenact §33-20F-4 of said code, all relating to reallocation and repatriation of certain funds to the General Revenue Fund; eliminating the required payments into the Special Railroad and Intermodal Enhancement Fund for fiscal year 2014; reducing the amount deposited annually to the credit of the West Virginia Infrastructure General Obligation Debt Service Fund, subject to certain limitations, conditions and constraints; eliminating provisions regarding a loan from the Tobacco Settlement Medical Trust Fund to the Physician's Mutual Insurance Company; eliminating the requirement that certain taxes imposed upon medical malpractice insurance premiums to paid into the Revenue Shortfall Reserve Fund; and specifying effective dates,"

And,

H. B. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision,

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

Com. Sub. for H. B. 2913 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-26, relating to correction of certain erroneous distributions, transfers, allocations, overpayments or underpayments; specifying immunity of agencies, subdivisions and instrumentalities of this state from any fine, penalty, assessment or imposition as a result of, or attributable to the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys,"

With the recommendation that the committee substitutes each do pass.

Delegate Wells, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd day of March 2013, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 197), Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts.

Delegate Miley, 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. 2962, Relating to exemptions from the tax on the privilege of severing natural gas and oil,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2962) was referred to the Committee on Finance.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass, but that it first be referred to the committee on Finance), which was read by its title, as follows:

By Delegates M. Poling, Stowers, Lawrence, Williams, Perry, Pethtel, Tomblin, Young, Pasdon, D. Evans and Westfall:

H. B. 3157 - "A Bill to repeal §11-1C-5b of the Code of West Virginia, 1931, as amended; to repeal §18-2-5g, §18-2-15, §18-2-15a, §18-2-18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of said code; to repeal §18-2E-3c and §18-2E-3d of said code; to

repeal §18-5-40 of said code; to repeal §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code; to repeal §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b, §18-9A-25 and §18-9A-26 of said code; to repeal §18-9B-11 and §18-9B-16 of said code; to repeal §18A-3-2b of said code; to further amend said code by adding thereto a new section, designated §18-2E-5e; and to amend and reenact §18-9A-10 of said code, all relating to restoring the authority, flexibility, and capacity of schools and school systems to improve student learning; eliminating requirement for annual summary and submission of certain county board policies; eliminating requirement for biennial report on public schools and institutions; eliminating expired provisions for RESA study; eliminating expired provisions for study on staff fluctuations at certain schools; eliminating outdated provisions on comprehensive education program plans; eliminating requirement for statewide curriculum technology resource center; eliminating outdated provisions for automatic cost of living adjustment plan; eliminating outdated provisions for student learning abilities grant program; eliminating expired provisions on flood and property insurance study; eliminating expired provisions on study of school teams and committees; eliminating prescriptive summer reading and math grant program provisions; eliminating provisions pilot program for operation on schools on semester basis; eliminating outdated provisions for transferring school funds from magisterial and independent school districts; eliminating outdated provisions related to the board of the school fund; eliminating outdated provisions related to supplemental aid to for districts with institutional home for orphans and homeless children; eliminating expired provisions for transition to new provisions on school finance; eliminating expired provisions for school finance in certain fiscal year; eliminating expired provisions for one-year transitional allocation appropriation for certain rural districts; eliminating expired provisions related to levies subsequent to passage of statewide uniform excess levy; eliminating inoperable provisions for legislative reserve fund; eliminating requirement for appropriation for teacher of the year salary; eliminating allowance for workers' compensation for unpaid work-based learning; eliminating outdated

provisions related to board of school finance; eliminating provisions related to beginning teacher internship; making legislative findings on Goals for Education; making legislative findings on policy-oriented objectives in Goals for Education; making legislative findings on certain issues raised by Efficiency Audit; making legislative findings on consistency of certain audit conclusion and policy-oriented objectives of Goals for Education; stating purpose of section with respect to Goals for Education and policy-oriented objectives; requiring state board report on accountability supervisory method that does not affect school and district strategic plans in certain ways; requiring state board to provide clear and consistent expectations for reasonable period in certain ways; requiring state board to ensure certain school and school system capacity for professional development; requiring state board to evaluate its performance and progress on achieving goals and report to Legislative Oversight Commission on Education Accountability; eliminating state board approval of certain electronic strategic improvement plans; reducing percent of increase in local share added to allowance to improve instructional programs; requiring certain funds available for use for personnel to be used for only certain personnel subject to certain condition; increasing percent of increase in local share added to instructional technology purposes; changing purpose to county and school strategic improvement plans; and changing method of allocation to counties."

In the absence of objection, the Speaker referred the bill (H. B. 3157) to the Committee on Finance.

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

By Delegates M. Poling, Stowers, Perry, Williams, Campbell, Pethtel, Walker, Lawrence, Pasdon, Sumner and Rowan:

H. B. 3158 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-3B-13,

relating to legislative oversight of education system performance and progress; creating duty of legislative oversight commission on education accountability to examine certain results; providing purposes; and requiring annual report".

MESSAGES FROM THE EXECUTIVE

Mr. Speaker, Mr. Thompson, presented a communication from His Excellency, the Governor, advising that on March 22, 2013, he approved **S. B. 197**.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 42, The "Mike Whitt Visionary Leadership Highway".

On motion of Delegate Boggs, the resolution was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

On page six, by striking out the Resolved clause and inserting in lieu thereof a new Resolved clause to read as follows:

"That the Division of Highways is hereby requested to name all sections, existing and to-be-constructed, of the King Coal Highway, I-73/74, running through Mingo County, West Virginia, the 'Mike Whitt Memorial Highway'; and, be it".

On pages six and seven, by striking out the first Further Resolved clause and inserting in lieu thereof a new Further Resolved clause to read as follows:

"That the Division of Highways is hereby requested to have made signs, to be erected at the beginning and end of each section of the Highway and at regular intervals along both sides of the highway, that state, in bold, prominent lettering, the 'Mike Whitt Memorial Highway'; and, be it".

And,

By amending the title of the resolution to read as follows:

H. C. R. 42 - "Requesting the Division of Highways to name all sections of the King Coal Highway, I-73/74, running through Mingo County, West Virginia, the 'Mike Whitt Memorial Highway'."

On motion of Delegate Boggs, the House of Delegates concurred in the Senate amendments.

The question before the House now being the adoption of the resolution, as amended, the same was put and prevailed.

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

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. 201 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4F-1, §16-4F-2, §16-4F-3, §16-4F-4 and §16-4F-5; to amend and reenact §30-3-14 and §30-3-16 of said code; to amend and reenact §30-5-3 of said code; to amend and reenact §30-7-15a of said code; to amend and reenact §30-14-11 of said code; and to amend and reenact §30-14A-1 of said code, all relating to treatment for a sexually transmitted disease; defining terms; permitting prescribing of antibiotics to sexual partners of a patient without a prior examination of the partner; requiring patient counseling; establishing counseling

criteria; requiring information materials be prepared by the Department of Health and Human Resources; providing limited liability for providing expedited partnership therapy; requiring legislative rules regarding what is considered a sexually transmitted disease; and providing that physicians, physician assistants, pharmacists and advanced nurse practitioners are not subject to disciplinary action for providing certain treatment for sexually transmitted diseases for sexual partners of a patient"; which was referred to the Committee on Health and Human 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. 341 - "A Bill to repeal §19-17-5, §19-17-6, §19-17-7, §19-17-8, §19-17-10 and §19-17-11 of the Code of West Virginia, 1931, as amended; to repeal §19-18-4, §19-18-5, §19-18-6, §19-18-7, §19-18-8, §19-18-9, §19-18-10, §19-18-11 and §19-18-12 of said code; to amend and reenact §19-17-1, §19-17-2, §19-17-3 and §19-17-4 of said code; and to amend and reenact §19-18-1, §19-18-2 and §19-18-3 of said code, all relating generally to livestock; requiring livestock be enclosed by a fence; stating that fences are for grazing and livestock purposes; clarifying procedures to build, maintain and repair partition fences; requiring an adjoining landowner to pay portion of the cost of partition fence; requiring notice; providing an exception for emergency repairs; providing dispute resolution; authorizing the Commissioner of Agriculture to promulgate rules and emergency rules for fences; prohibiting livestock from trespassing; clarifying damages that may be recovered; permitting containment of livestock; requiring owner of trespassing livestock be notified; stating that containment costs may be negotiated and recovered in court; permitting the sheriff to contain unclaimed livestock; permitting unclaimed livestock be sold at auction and proceeds distributed; and establishing misdemeanor penalties"; which was referred to the Committee on Agriculture then the Judiciary.

A message from the Senate, by

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

S. B. 407 - "A Bill to amend and reenact §48-18-132 of the Code of West Virginia, 1931, as amended, relating to locating parents for the purpose of establishing paternity, establishing or modifying a support order, enforcing support orders or distributing support; and information required from telephone and cellular telephone companies"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

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

S. B. 571 - "A Bill to extend the time for the city council of the City of Oceana, Wyoming County, to meet as a levying body for the purpose of presenting to the voters of the city an election to supplement current funds for the city park and pool operation and for the purpose of paying all costs incurred in the laying of this additional levy from between the seventh and twenty-eighth days of March and the third Tuesday in April until May 31, 2013"; which was referred to the Committee on Political Subdivisions then Finance.

RESOLUTIONS INTRODUCED

Delegates J. Nelson, Stowers, R. Phillips, Eldridge, Andes, Armstead, Azinger, Cadle, Campbell, Caputo, Cooper, Cowles, Espinosa, A. Evans, D. Evans, Faircloth, Fleischauer, Folk, Frich, Hamilton, Hamrick, Hartman, Householder, Howell, Ireland, Lynch, Manchin, Marcum, Miller, O'Neal, Pasdon, Paxton, Raines, Romine, Rowan, Shott, Skaff, R. Smith, Sobonya, Storch, Tomblin and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 95 - "Requesting that bridge number 22-119-0.04 on U.S. Route 119, currently known as the North Pinnacle Rock Bridge, near the Boone County/Lincoln County line, be named the 'Army PFC Willie P. "Jenkie" Wilson Memorial Bridge',"

WHEREAS, Willie Paul 'Jenkie' Wilson was born November 11, 1925, the son of John and Elsie Wilson; and

WHEREAS, Willie P. 'Jenkie' Wilson was raised and educated in Boone County, West Virginia, and entered the United States Army following school, to answer his country's call during the time of World War II; and

WHEREAS, Army PFC Willie P. 'Jenkie' Wilson, serial number 45070215, was assigned to 1st Platoon, Company K, 262nd Regiment, 66th Infantry Division; and

WHEREAS, Following training, PFC Wilson was sent to England with his unit to prepare to reinforce troops fighting on the European continent; and

WHEREAS, In the early hours of December 24, 1944, PFC Wilson was one of 2,235 men of the U.S. Army's 66th Infantry Division, the Black Panther Division, who began boarding the Belgian troopship Leopold at Pier 38 in Southhampton, England, bound for Cherbourg, France, where the unit was to have been sent to assist with resistance to a German counter offensive at the Battle of the Bulge; and

WHEREAS, At 6:00 P.M. that evening, Christmas Eve, 1944, German Submarine No. U-486 launched a torpedo which struck and sank the Leopold; and

WHEREAS, In the confusion, attempts at rescue by other ships in the area were inadequate, and PFC Wilson was among the 802 persons aboard the Leopold who drowned or died from injuries or hypothermia in the 48 degree waters of the English Channel that night, just five miles off the coast of Cherbourg; and

WHEREAS, It is the desire of the Legislature and the people of West Virginia that an enduring memorial to the sacrifice of PFC Wilson be established; therefore, be it

Resolved by the Legislature of West Virginia:

That bridge number 22-119-0.04 on U.S. Route 119, currently known as the North Pinnacle Rock Bridge, near the Boone County/Lincoln County line, be named the "Army PFC Willie P. 'Jenkie' Wilson Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "Army PFC Willie P. 'Jenkie' Wilson Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Commissioner of the Division of Highways and to Tanya Buckner, 38 Harmony Lane, Foster, WV 25081.

Mr. Speaker, Mr. Thompson, and Delegate Perdue offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 96 - "Requesting the Division of Highways to name the bridge previously known as Shoals Bridge, bridge number 50-75-10.66, located on County Route 75 in Shoals, West Virginia, the 'Army Sgt. Paul Whitman Carroll Memorial Bridge'."

WHEREAS, Paul Whitman Carroll was born on April 25, 1919 in Shoals, West Virginia, where he was raised; and

WHEREAS, Paul Whitman Carroll graduated from Buffalo High School where he was president of the Future Farmers of America, played football and ran track; and

WHEREAS, Paul Whitman Carroll served in the army as a tank commander during World War II, achieving the rank of Sergeant; and

WHEREAS, Paul Whitman Carroll was awarded the Purple Heart Medal as well as the European African Middle Eastern Service Ribbon; and

WHEREAS, Paul Whitman Carroll was a charter member of the Buffalo Athletic Boosters and was the owner of Carroll's Grocery in Shoals, West Virginia for over thirty years; and

WHEREAS, Paul Whitman Carroll was a member of the Veterans of Foreign Wars Post #9738, Buena Vista Lodge #60 AF & AM, Whites Creek; and

WHEREAS, Paul Whitman Carroll retired as Post Master from the Shoals Post Office with twenty-six years of experience; and

WHEREAS, It is fitting that the life and legacy of Paul Whitman Carroll be remembered through the dedication of a bridge in his honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is requested to name the bridge previously known as Shoals Bridge, bridge number 50-75-10.66, located on County Route 27 in Shoals, West Virginia, the "Army Sgt. Paul Whitman Carroll 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 "Army Sgt. Paul Whitman Carroll Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the living family of the late Paul Whitman Carroll.

Delegates Shott, R. Smith, McCuskey, Ashley, Iaquinta, J. Nelson, Miller, Westfall, Sobonya, Frich, Rowan, Ambler, Anderson, Arvon, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Craig, Diserio, Ellington, Espinosa, A. Evans, Ferns, Ferro, Fleischauer, Folk, Gearheart, Guthrie, Hartman, Householder, Howell, Hunt, Ireland, Jones, Lawrence, Longstreth, Lynch, Manypenny, Marcum, Marshall, Miley, Moore, Moye, E. Nelson, Overington, Pasdon, Perdue, Perry, Pethtel, R. Phillips, Pino, D. Poling, Poore, Raines, Reynolds, Skaff, Skinner, P. Smith, Sponaugle, Staggers, Stephens, Storch, Sumner, Swartzmiller, Tomblin, Wells, White and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 97 - "Expressing the sense of the Legislature that designating the annual observance of the week following the Veterans' Day Holiday as Veterans' History Week for the State of West Virginia will increase the awareness and understanding of American history and the contributions and sacrifices of our veterans in service to their state and nation and to the advancement of freedom throughout the world."

WHEREAS, According to the West Virginia Veteran's History Project, over two-hundred and two-thousand West Virginians were veterans; and

WHEREAS, West Virginia has the highest number of veterans per capita of any state in the nation; and

WHEREAS, That November 11 is recognized nationally and in our state as the Veterans' Day Holiday; and

WHEREAS, By designating the week following the Veterans' Day Holiday as Veterans' History Week, students and the public will have the opportunity to learn about the history of the United States and the contributions of our veterans to the struggles which brought about our independence, freed the slaves and preserved the Union, and liberated millions from nazism, fascism and communism and the great

contributions that our veterans have made to society and their community in times of peace; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature requests that the week following the Veterans' Day Holiday be annually designated and observed as Veterans' History Week for the State of West Virginia; and, be it

Further Resolved, That in recognition of and to further the purposes of Veterans' History Week, each public school is encouraged to provide instruction during Veterans' History Week on veterans' history including the events and timeliness of the armed conflicts and wars our state and nation have participated in, the contributions and sacrifices of specific veterans and the many contributions made by veterans to their communities following their service; and, be it

Further Resolved, That school administrators and teachers have flexibility in designing and implementing veterans' history instruction on these topics by integrating them into the existing school curriculum, holding school assemblies, inviting guest speakers or providing other school activities; and, be it

Further Resolved, That state institutions of higher education are encouraged to conduct and promote activities that provide education, awareness and understanding of veterans' history; and, be it

Further Resolved, That recognized resources for information, materials and speakers regarding veterans' history that may assist with activities in the observance of Veterans' History Week include, but are not limited to:

(1) Veterans' organizations;

(2) Patriotic and descendant organizations;

(3) West Virginia Humanities Council;

(4) West Virginia Historical Society;

(5) West Virginia Division of Culture and History; and

(6) Any branch of service of the United States military; and, be it

Further Resolved, That the observance of Veterans' History Week is not intended to create a burden, financial or otherwise, for public schools, teachers or state institutions of higher education; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Governor, the State Superintendent of Schools and the respective Chancellors of the Higher Education Policy Commission and the Council for Community and Technical College Education.

Delegates Guthrie, Reynolds, Manchin, Marshall, Iaquinta, Moye, D. Poling and Williams offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 98 - "Requesting the Joint Committee on Government and Finance to study the feasibility of obtaining a waiver of the federal requirement relating to state/federal matching highway funds based on a proposed funding model; and to study the impact of increasing state sales and use tax to twelve percent and exempting food, clothing, prescription medicines, gasoline and special fuels from tax; and designating three percent of sales and use tax revenues to be used for highways and bridges and three percent of the revenues to be used for community and economic development as directed by the Legislature."

WHEREAS, The Legislature recognizes that adequate funding must be sought to maintain and expand the state's system of highways and bridges, and to provide for economic and community development; and

WHEREAS, The Legislature wishes to explore the impact of increasing sales and use taxes, exempting certain classes of goods and services from those increased taxes and dedicating anticipated revenue

increases to highways and bridges and economic and community development; and

WHEREAS, The reliance of the state on a funding model of dedicating a certain allocation of tax money to roads and bridges may allow the state to gain a waiver of the federal highways matching funds requirements in order to obtain federal funds available for state highway and bridge construction and repair; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study a new funding model which would increase sales and use taxes in West Virginia to twelve percent, exempt food, clothing, prescription medicines, gasoline and special fuels from sales tax; and dedicate three percent of the sales and use tax revenue to be used for highways and bridges and three percent to be used for community and economic development as appropriated by the Legislature; and, be it

Further Resolved, That the Joint Committee on Government and Finance is also requested to study the possibility of obtaining a waiver from the federal government of the state's required participation in matching funds in order to obtain federal highway funds, contingent on adopting the proposed funding model; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 Overington, Ambler, Anderson, Arvon, Azinger, Border, Butler, Cadle, Canterbury, Cooper, Ellington, Espinosa, A. Evans,

Faircloth, Frich, Gearheart, Hamilton, Hamrick, Householder, Howell, Ireland, Miller, E. Nelson, J. Nelson, Pasdon, Raines, Romine, Rowan, Shott, R. Smith, Sobonya, Sumner, Walters and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 99 - "Applying for an Article V Amendments Convention to Propose a Constitutional Amendment permitting a calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints."

WHEREAS, Article V of the Constitution of the United States provides authority for a Convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution upon application of two thirds of the Legislatures of the several states ("amendments convention"); and

WHEREAS, This application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Florida, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania and Texas, and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require the calling of a convention, but shall not be aggregated with any applications on any other subject; and

WHEREAS, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the Legislatures of at least two thirds of the several states have made applications on the same subject and supersedes all previous applications by this Legislature on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That, as provided in Article V of the Constitution of the United States the Legislature of the State of West Virginia herewith respectfully applies for an Amendments Convention to Propose a Constitutional Amendment limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and, be it

Further Resolved, That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution providing that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year together with any related and appropriate fiscal restraints; and, be it

Further Resolved, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two thirds of the Legislatures of the several states have made application for an equivalently limited amendments convention; and, be it

Further Resolved, That the Clerk of the House of Delegates forward certified copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, the members of the West Virginia Congressional Delegation, and to the presiding officers of each house of the several state Legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Manchin, White, Boggs, Caputo and Longstreth:

H. J. R. 37 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to exempt certain property or a portion of its value from ad valorem taxation; authorizing the Legislature to exempt from ad valorem taxation certain tangible personal property; authorizing the Legislature to reduce maximum levy rates on certain tangible personal property as an alternative to exempting such property from ad valorem property taxation; authorizing the Legislature to exempt from ad valorem taxation certain real property; requiring the Legislature to provide for an additional general consumer sales tax at the rate of one cent on the dollar of sales or services, excluding gasoline and special fuel sales; prohibiting any impact on any excess levy in effect at the time an exemption or rate reduction takes effect; authorizing the Legislature to phase in an exemption or rate reduction over a period not to exceed five years on property being taxed at the time an exemption or rate reduction takes effect; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates White, Manchin, Armstead, Lane, Anderson, Cowles, Reynolds, Perdue, Craig, Miley and Williams:

H. J. R. 38 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to exempt certain property or a portion of its value from ad valorem taxation; authorizing the Legislature to exempt from ad valorem taxation certain tangible personal property; authorizing the

Legislature to reduce maximum levy rates on certain tangible personal property as an alternative to exempting such property from ad valorem property taxation; authorizing the Legislature to exempt from ad valorem taxation certain real property; requiring the Legislature to provide measures by which revenues reduced or lost as a result of such exemptions or rate reduction may be replaced; prohibiting any impact on any excess levy in effect at the time an exemption or rate reduction takes effect; authorizing the Legislature to phase in an exemption or rate reduction over a period not to exceed five years on property being taxed at the time an exemption or rate reduction takes effect; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Constitutional Revision then Finance.

Delegates Howell, Faircloth, Butler, Kump, Azinger, Border, Cadle, A. Evans, Folk, Hamrick, J. Nelson, R. Smith, Storch and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 26 - "Expressing concern of the House of Delegates to the growth of the federal government's power over the individual states of the United States."

WHEREAS, The State of West Virginia was a part of the Commonwealth of Virginia on December 24, 1798 when the Virginia Resolution of 1798 was adopted by the Virginia Senate; and

WHEREAS, West Virginia continues to believe in and support the Virginia Resolution of 1798 that was written by one of our founding fathers, James Madison; and

WHEREAS, West Virginia desires to reaffirm the Virginia Resolution of 1798; and

WHEREAS, The Virginia Resolution of 1798 reads in full:

"*Resolved*, That the General Assembly of Virginia, doth unequivocably express a firm resolution to maintain and defend the

Constitution of the United States, and the Constitution of this State, against every aggression either foreign or domestic, and that they will support the government of the United States in all measures warranted by the former.

That this assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges all its powers; and that for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them, can alone secure its existence and the public happiness.

That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact, to which the states are parties; as limited by the plain sense and intention of the instrument constituting the compact; as no further valid that they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

That the General Assembly doth also express its deep regret, that a spirit has in sundry instances, been manifested by the federal government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that implications have appeared of a design to expound certain general phrases (which having been copied from the very limited grant of power, in the former articles of confederation were the less liable to be misconstrued) so as to destroy the meaning and effect, of the particular enumeration which necessarily explains and limits the general phrases; and so as to consolidate the states by degrees, into one sovereignty, the obvious tendency and inevitable consequence of which would be, to transform the present republican system of the United States, into an absolute, or at best a mixed monarchy.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the 'Alien and Sedition Acts' passed at the last session of Congress; the first of which exercises a power no where delegated to the federal government, and which by uniting legislative and judicial powers to those of executive, subverts the general principles of free government; as well as the particular organization, and positive provisions of the federal constitution; and the other of which acts, exercises in like manner, a power not delegated by the constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power, which more than any other, ought to produce universal alarm, because it is leveled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right.

That this state having by its Convention, which ratified the federal Constitution, expressly declared, that among other essential rights, 'the Liberty of Conscience and of the Press cannot be cancelled, abridged, restrained, or modified by any authority of the United States', and from its extreme anxiety to guard these rights from every possible attack of sophistry or ambition, having with other states, recommended an amendment for that purpose, which amendment was, in due time, annexed to the Constitution; it would mark a reproachable inconsistency, and criminal degeneracy, if an indifference were now shewn, to the most palpable violation of one of the Rights, thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this commonwealth, having ever felt, and continuing to feel, the most sincere affection for their brethren of the other states; the truest anxiety for establishing and perpetuating the union of all; and the most scrupulous fidelity to that constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions of the other states, in confidence that they will concur with

this commonwealth in declaring, as it does hereby declare, that the acts aforesaid, are unconstitutional; and that the necessary and proper measures will be taken by each, for cooperating with this state, in maintaining the Authorities, Rights, and Liberties, referred to the States respectively, or to the people.

That the Governor be desired, to transmit a copy of the foregoing Resolutions to the executive authority of each of the other states, with a request that the same may be communicated to the Legislature thereof; and that a copy be furnished to each of the Senators and Representatives representing this state in the Congress of the United States.

Agreed to by the Senate, December 24, 1798"; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby expresses its concern over the growth of the federal government's power over the individual states of the United States; and, be it

Further Resolved, That the House of Delegates acknowledges that the issue of the growth of the federal government's power over the individual states of the United States is an issue which the citizens of West Virginia are also concerned; and, be it

Further Resolved, That House of Delegates urges West Virginia's representatives in Congress be cognizant of the Virginia Resolution of 1798 when reviewing proposed federal legislation; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to each member of West Virginia's delegation in Congress.

Delegates Manypenny, Barill, Barrett, Campbell, Caputo, Diserio, Ferro, Fleischauer, Guthrie, Hamilton, Hunt, Iaquinta, Jones, Longstreth, Lynch, Manchin, Marshall, Miley, Moore, Morgan,

Paxton, Perdue, Perry, Pethtel, Pino, D. Poling, M. Poling, Poore, Skinner, P. Smith, Sponaugle, Staggers, Stephens, Swartzmiller, Wells and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 27 - "Supporting the protection of the site of the Blair Mountain battle of 1921, in which thousands of coal miners fought for the right to organize to secure decent working conditions and wages in an armed civil uprising second only to the Civil War in scale and significance to the history of West Virginia and the United States."

WHEREAS, West Virginia state history has its deepest historic roots in the struggle for basic human rights and dignity, from the abolitionists and the Underground Railroad to our tradition of sending our citizens off to serve the cause of freedom in our nation's military; and

WHEREAS, In 1921, some ten thousand of our state's citizens banded together to end repressive conditions that existed in many of our state's mines by exercising their First Amendment constitutional rights of free speech, assembly, and petition; and

WHEREAS, The armed march that culminated in the Battle of Blair Mountain became the largest civil uprising since the Civil War; and

WHEREAS, The march on Blair Mountain and subsequent trials of participants therein had a major impact on the history of the American Labor Movement for decades to follow; and

WHEREAS, The march on and Battle of Blair Mountain comprise watershed events in the civil and labor history of West Virginia and of the United States; and

WHEREAS, Countless historic artifacts and artillery placements vital to the knowledge and understanding of the historic confrontation at Blair Mountain await discovery, cataloging and interpretation; and

WHEREAS, Until recently, the scope and importance of the Battle of Blair Mountain were little known or understood within and beyond our state's borders; and

WHEREAS, Many agencies, groups and professionals concerned with the history and culture of West Virginia and the United States have made multiple attempts to preserve Blair Mountain; and

WHEREAS, The boundaries of the nomination of the site of the Battle of Blair Mountain for listing on the National Register of Historic Places are narrowly drawn based on available archeological and historical evidence to protect the most important places; therefore, be it

Resolved by the House of Delegates:

That it hereby supports the protection of the site of the Blair Mountain Battle of 1921; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the President of the United States, the Keeper of the National Register of Historic Places, the United States Senate and the United States House of Representatives.

At the request of Delegate Boggs, and by unanimous consent, it was agreed that the sponsors of H. R. 28 are the same as the sponsors of H. C. R. 88 on unfinished business today.

Subsequently,

Delegates Caputo, Mr. Speaker, Mr. Thompson, Ambler, Arvon, Azinger, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Diserio, Eldridge, Ellem, Ellington, A. Evans, D. Evans, Ferns, Ferro, Fleischauer, Folk, Fragale, Frich, Guthrie, Hamilton, Hamrick, Hartman, Hunt, Iaquinta, Jones, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miley, Miller, Moore, Morgan, Moye, J. Nelson, Pasdon, Paxton, Perdue, Perry, Pethtel, R.

Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Wells, Westfall, White, Williams and Young offered the following resolution, which was read by the Clerk:

H. R. 28 - "Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows."

WHEREAS, The United Mine Workers of America has secured health care and pensions for retired coal miners and widows, through decades of collective bargaining; and

WHEREAS, The gains made for working miners as a result of collective bargaining are now being threatened through the use of the bankruptcy proceedings; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes the current collective bargaining agreement for active UMWA members at Patriot operations; and

WHEREAS, Peabody's spin-off of Patriot Coal jeopardizes retiree pensions and health care via Patriot's bankruptcy action; and

WHEREAS, Actions taken by Peabody and Arch to shed themselves of promised health and retirement benefits through corporate schemes could also hurt coal retiree s pensions and health care; and

WHEREAS, The loss of promised health care and retirement benefits jeopardizes the health and security of UMWA active, laid off and retired members and their dependants; and

WHEREAS, The loss of promised health care and retirement benefits, if not addressed, could push many local communities into a financial crisis; and

WHEREAS, All coal field communities have a significant interest in fighting to maintain retiree pensions and health care for our citizens; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates pledges the United Mine Workers' of America and its membership to join in the fight to protect and maintain mine workers' pensions and health care from assaults by these and other coal operators; and, be it

Further Resolved, That the House of Delegates calls upon Peabody, Arch and Patriot to live up to their obligations to provide coal miners health care and retirement security; and, be it

Further Resolved, That the House of Delegates calls upon others to assist in preventing these corporations from stripping from active, laid off, and retired coal miners their contractually-promised lifetime health care benefits.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 28) to a committee was dispensed with, and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, Delegate Caputo demanded the yeas and nays, which demand was sustained.

Delegate McCuskey requested to be excused from voting on the adoption of H. R. 28 under the provisions of House Rule 49.

To the request, the Speaker, following consultation with the Clerk, replied, and refused to excuse the Gentleman from voting.

The yeas and nays having been ordered, they were taken **(Roll No. 68)**, and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Andes, Gearheart, McCuskey and Overington.

ABSENT AND NOT VOTING: Canterbury, Fragale and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 28) adopted.

PETITIONS

Delegate Hamrick presented a petition on behalf of his constituents requesting that revisions be made to S. B. 359, Relating generally to reforming public education, to protect all employees; which was referred to the Committee on Education.

BILLS INTRODUCED

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

By Delegates Boggs, Paxton, Caputo, D. Poling, Hamilton, Diserio, Swartzmiller, White, Ellem, Fleischauer and Mr. Speaker, Mr. Thompson:

H. B. 3076 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-16-1, §21-16-2 and §21-16-3, all relating to requiring the use of American manufactured goods in the construction, alteration or repair of public buildings and public works; definitions"; to the Committee on the Judiciary then Finance.

By Delegates Shott, McCuskey and Sponaugle:

H. B. 3077 – "A Bill to repeal §44-2-2 and §44-2-3 of the Code of West Virginia, 1931, as amended, and to amend and reenact §44-1-14a of said code, relating to the publication requirements of the administration of estates"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Ellington, E. Nelson, Gearheart, Lane, Canterbury, J. Nelson and Armstead:

H. B. 3078 – "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to raising the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled, for the next three years"; to the Committee on Senior Citizen Issues then Finance.

By Delegates Craig, Ashley, Skaff, Pasdon, Miley and Morgan:

H. B. 3079 – "A Bill to amend and reenact §55-10-1, §55-10-2, §55-10-3, §55-10-4, §55-10-5, §55-10-6, §55-10-7 and §55-10-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-four new sections, designated §55-10-9, §55-10-10, §55-10-11, §55-10-12, §55-10-13, §55-10-14, §55-10-15, §55-10-16, §55-10-17, §55-10-18, §55-10-19, §55-10-20, §55-10-21, §55-10-22, §55-10-23, §55-10-24, §55-10-25, §55-10-26, §55-10-27, §55-10-28, §55-10-29, §55-10-30, §55-10-31 and §55-10-32, all relating generally to arbitration; defining terms; defining notice under the article; defining when article applies; proscribing the effect of agreements to arbitrate and defining nonwaivable provisions; allowing for application for judicial relief under the article; making an agreement to arbitrate valid unless a legal or equitable reason for revocation exists; providing for the terms by which arbitration may continue if challenged; providing for the process for motions to compel or stay arbitration; providing for provisional remedies to protect the effectiveness of arbitration proceedings; providing the process for initiation of arbitration; providing for the consolidation of separate arbitration proceedings; providing for the appointment of an arbitrator and default process if not agreed by the parties; requiring neutrality of arbitrators; requiring disclosure by arbitrators of matters affecting impartiality; requiring a majority of arbitrators to agree to exercise powers; providing immunity for arbitrators, requiring competency to testify, and providing for attorneys fees and costs for challenges from which arbitrators are immune; providing the general process for arbitration; allowing parties to be represented by a lawyer in arbitrations; outlining the procedure for witnesses, subpoenas,

depositions and discovery in arbitrations; providing for judicial enforcement of preaward ruling by arbitrator; providing for a record of an award and the requirements for an award; allowing the change of an award by an arbitrator upon motion under certain conditions; providing that certain remedies and the fees and costs of arbitration may be a part of an arbitration award; allowing for confirmation by a court of an award upon motion; providing the process and grounds for vacating an award by a court; providing the process and grounds for the modification or correction of an award upon motion; providing that a court shall enter a judgment upon confirmation of an award and may add reasonable attorneys' fees and costs; providing for jurisdiction over arbitration agreements by a court of this state; providing venue; providing that appeals may be taken from orders related to arbitration proceedings; requiring uniform construction of the act; providing that this act complies with the Electronic Signatures in Global and National Commerce Act; and providing the effective date of the act"; to the Committee on the Judiciary.

By Delegates Manypenny, Skinner, Barrett, Longstreth, Diserio, Wells, Sponaugle, Manchin and Fleischauer:

H. B. 3080 – "A Bill to amend and reenact §24-2F-3, §24-2F-4, §24-2F-5, §24-2F-6 and §24-2F-10 of the Code of West Virginia, 1931, as amended, all relating to alternative and renewable energy portfolio standards; defining terms; establishing standards for the sale of electricity generated from solar renewable energy resources; providing for compliance assessments; creating a system of tradable solar renewable energy resource credits; providing for the awarding of solar renewable energy resource credits based upon electricity generated or purchased from solar renewable energy resource facilities; and establishing a distributed solar renewable energy requirement"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then Finance.

By Delegates Frich, Householder, Ellington, Shott, Pasdon and Barill:

H. B. 3081 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a,

relating to preventing taxpayer subsidization of health insurance covering elective abortions; prohibiting all qualified health plans offered through a state exchange from including abortion coverage except to prevent the death of the mother; and preventing all other health plans, including health insurance contracts, plans or policies, offered outside of the exchange, but within the state, from providing coverage for elective abortions except by optional separate supplemental coverage for abortion"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Householder, Cooper, Border, Cadle, J. Nelson, Sobonya, Frich, Andes and Gearheart:

H. B. 3082 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1A-6, relating to providing a limit on consulting fees"; to the Committee on Government Organization then Finance.

By Delegates E. Nelson, Storch, McCuskey, Walters, D. Evans, Andes, Gearheart, Ellington and Shott:

H. B. 3083 – "A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended, relating to definitions used in the Public Employees Retirement System; redefining the term final average salary for new enrollees to the average salary received in the highest ten years of service, rather than the current three"; to the Committee on Pensions and Retirement then Finance.

By Delegates Barrett, Skinner, Sponaugle and Caputo:

H. B. 3084 – "A Bill to amend and reenact §19-23-13b of the Code of West Virginia, 1931, as amended, relating to restricted races at pari-mutuel thoroughbred horse race tracks; permitting up to two restricted races if there are at least seven single betting interests; permitting a third restricted race if there are at least nine single betting interests; and eliminating a provision concerning if less than seventy-five percent of the restricted races fail to receive enough entries to race"; to the Committee on the Judiciary then Finance.

By Delegates Manchin, Caputo, Longstreth, Diserio, D. Poling, Poore, Wells, Manypenny and M. Poling:

H. B. 3085 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-1-3a, relating to requiring persons engaged in natural gas horizontal well drilling activities to annually submit a report to the Department of Labor identifying the state of residency of the individuals who perform the well drilling work"; to the Committee on Government Organization then the Judiciary.

By Mr. Speaker, Mr. Thompson, and Delegate Armstead [By Request of the Executive]:

H. B. 3086 – "A Bill to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §28-3-23, all relating to juvenile services and criminal justice institutions; renaming the Industrial Home for Youth as the Salem Correctional Center; transferring control of the Salem Correctional Center from the Division of Juvenile Services to the Division of Corrections; authorizing the Parkersburg Correctional Center and listing it and the Salem Correctional Center among the institutions managed by the Division of Corrections"; to the Committee on the Judiciary.

By Delegates Poore, Sobonya, Skinner, Morgan, Moye, D. Poling, Campbell, Hartman, Guthrie, Ellem and Miller:

H. B. 3087 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §25-8-1, relating to authorizing the Division of Corrections to implement a responsible parent program pilot project; setting forth requirements to participate in the program; setting forth program goals; and requiring a report"; to the Committee on the Judiciary then Finance.

By Delegate Manchin:

H. B. 3088 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-18,

relating to prohibiting healthcare providers from discriminating against or refusing treatment of a patient regardless of how that person was injured or became ill"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Perdue, Manypenny, Fleischauer, Guthrie and D. Poling:

H. B. 3089 – "A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-1-3 of said code, all relating to requiring the Commissioner of the Bureau for Public Health to conduct a public health impact statement assessing the health impact of any new, or modification to, air or water rule proposed by the Secretary of the Department of Environmental Protection; and requiring the Secretary of the Department of Environmental Protection to incorporate findings of the impact statement into the proposed rule"; to the Committee on Health and Human Resources then Finance.

By Delegates Boggs, Williams, Hamilton, Caputo, A. Evans, Eldridge and Manchin:

H. B. 3090 – "A Bill to amend and reenact §5A-6-4a of the Code of West Virginia, 1931, as amended, relating to duties of the Chief Technology Officer with regard to security of government information; adding the Division of Protective Services and the West Virginia Intelligence/Fusion Center to the list of agencies to which this section does not apply; adding the Treasurer to the list of officers whose responsibilities are not infringed upon by this section; and making technical corrections"; to the Committee on Government Organization then the Judiciary.

By Delegates Espinosa, Householder, Storch, Pasdon, Walters, McCuskey and Howell:

H. B. 3091 – "A Bill to amend and reenact §19-23-13b of the Code of West Virginia, 1931, as amended, relating to restricted races at pari-mutuel thoroughbred horse race tracks; permitting up to two restricted

races if there are at least seven single betting interests; permitting a third restricted race if there are at least nine single betting interests; and eliminating a provision concerning if less than seventy-five percent of the restricted races fail to receive enough entries to race"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya, Westfall and Rowan:

H. B. 3092 – "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to terminating the Municipal Home Rule Pilot Program on the date of passage; prohibiting municipalities and metro governments from enacting ordinances, acts, resolutions, rules or laws based on the authority of the Municipal Home Rule Pilot Program; providing an exception; terminating all local laws and ordinances that were enacted pursuant to the pilot program that are contrary to federal or state constitutions, federal law or certain chapters of the state code; and requiring all information associated with the pilot program be submitted to the Legislature by July 1, 2013"; to the Committee on Government Organization.

By Delegates D. Poling, Boggs, Ferro, Diserio, Swartzmiller, Hamilton, Morgan and Caputo:

H. B. 3093 – "A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-17-7, §17-17-16 and §17-17-17, all relating to certification requirements for applicators who paint state bridges"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

By Delegates Sobonya, Westfall, J. Nelson, Miller, Frich, Border and Rowan:

H. B. 3094 – "A Bill to amend and reenact §62-11D-3 of the Code of West Virginia, 1931, as amended, relating to subjecting persons convicted of sexual crimes against a minor to GPolitical Subdivisions monitoring for the duration of their lives"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya, Frich, Westfall, J. Nelson, Miller, Border and Raines:

H. B. 3095 – "A Bill to amend and reenact §20-5-18 and §20-5-19 of the Code of West Virginia, 1931, as amended, all relating to discounts at state parks for elderly and disabled persons; and providing that the fifty percent reduction for state park campground rental fees for elderly and disabled persons is applicable throughout the year"; to the Committee on Natural Resources then Finance.

By Delegate Campbell:

H. B. 3096 - "A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation caps for secretary-clerks and case coordinators in the family court system and to provide that across the board increases given to other state employees are also given to the secretary-clerks and case coordinators in addition to the capped amounts"; to the Committee on the Judiciary then Finance.

By Delegates Craig, Hunt, Marcum, R. Phillips and Williams:

H. B. 3097 – "A Bill to amend and reenact §11-13Q-3, §11-13Q-7 and §11-13Q-19 of the Code of West Virginia, 1931, as amended, all relating to entitling natural resource producers to the economic opportunity tax credit and allowing the credit to be used to offset the severance tax"; to the Committee on the Judiciary then Finance.

By Delegates Manchin, Skinner, Poore, Hunt, Wells, Pino, Marcum, Moore, Caputo and Longstreth:

H. B. 3098 – "A Bill to amend and reenact §31D-1-150 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §31D-7-740 and §31D-7-741; to amend said code by adding thereto a new section, designated §31D-8-834; to amend said code by adding thereto a new section, designated §31D-15-1540; and to amend said code by adding thereto a new section, designated §31D-16-1621, all relating to the accountability of a corporation s political activities; defining additional

terms; requiring annual authorization and approval by a majority of shareholders for corporations spending a yearly aggregate of $10,000 or more for political activities in this state; providing for director liability for spending without proper authorization; requiring disclosure of corporate political activities to shareholders and the public; and applying these new requirements to foreign corporations"; to the Committee on the Judiciary.

By Delegates Arvon, Border, Householder, Ellington, Gearheart, Miller, Staggers, Longstreth, Moye, Raines and Butler:

H. B. 3099 – "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5-16-7f; and to amend and reenact §33-15-4e of said code; and to amend said code by adding thereto a new section, designated §33-16-3w; and to amend said code by adding thereto a new section, designated §33-24-7i; and to amend said code by adding thereto a new section, designated §33-25A-8k, all relating to insurance; requiring the Public Employees Insurance Agency to provide optional maternity and pediatric benefits to dependent mothers covered under the article; requiring insurers offering accident and sickness insurance to provide the same benefits; requiring insurers offering group accident and sickness insurance to provide the same coverage; requiring hospital, medical, dental and health service corporations offering plans to provide the same coverage; and requiring health maintenance organizations offering plans to provide the same coverage"; to the Committee on the Judiciary then Finance.

By Delegates Boggs, Manypenny, Fleischauer, Caputo and Longstreth:

H. B. 3100 – "A Bill to amend and reenact §24A-5-5 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum amounts of insurance necessary for commercial motor carriers in the state"; to the Committee on Roads and Transportation then the Judiciary.

By Delegates Ferro, Reynolds, Storch and Walters:

H. B. 3101 – "A Bill to amend and reenact §36B-1-103, §36B-1-104, §36B-1-108, §36B-1-201, §36B-1-203 and §36B-1-204 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §36B-1-115, §36B-1-116 and §36B-1-208; to amend and reenact §36B-2-109, §36B-2-112, §36B-2-116, §36B-2-117 and §36B-2-119 of said code; to amend said code by adding thereto two new sections, designated §36B-2-123 and §36B-2-124; to amend and reenact §36B-3-102, §36B-3-103, §36B-3-105, §36B-3-106, §36B-3-108, §36B-3-110, §36B-3-112, §36B-3-116 and §36B-3-118 of said code; to amend said code by adding thereto five new sections, designated §36B-3-120, §36B-3-121, §36B-3-122, §36B-3-123 and §36B-3-124; and to amend and reenact §36B-4-103, §36B-4-109, §36B-4-112, §36B-4-116 and §36B-4-117 of said code, all relating to updating the Uniform Common Interest Ownership Act; and providing for applicability of the chapter"; to the Committee on the Judiciary.

By Delegates Manchin, Skinner, Young, Tomblin, Barrett, Lynch, Fleischauer, Lawrence, Miley, Caputo and Longstreth:

H. B. 3102 – "A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to raising the minimum wage"; to the Committee on Finance.

By Delegates Sobonya, Westfall, J. Nelson, Miller, Frich and Border:

H. B. 3103 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-8a, relating to making it illegal to transport a minor across state lines to obtain an abortion without written consent of both parents or legal guardians; and providing a penalty"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates M. Poling and Stowers:

H. B. 3104 – "A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to

authorizing certain legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding authorization of degree granting institutions and human resources administration; and authorizing legislative rules for the Council for Community and Technical College Education regarding authorization of degree granting institutions and human resources administration"; to the Committee on Education.

By Delegates Guthrie, Perdue, Williams, Iaquinta, Poore and Marshall:

H. B. 3105 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a, relating to granting all public employees a $1,000 per year permanent pay increase"; to the Committee on Finance.

By Delegates Armstead, Cowles, Lane, Sobonya, Ellem, Reynolds, Anderson and Raines:

H. B. 3106 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6, relating to prohibiting the Attorney General from placing his or her name or likeness on trinkets purchased with public moneys, and on public advertising purchased with public moneys during an election period"; to the Committee on the Judiciary then Finance.

By Delegate Lane:

H. B. 3107 – "A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-10 of said code; to amend said code by adding thereto a new section, designated §5-1A-6; and to amend and reenact §17B-2-1 of said code, all relating to voting procedures; requiring a voter to present an identifying document issued either by the State of West Virginia or the United States Government that contains the name, address and a photograph of the person desiring to vote which the poll clerk must inspect and confirm that the name on the document conforms to the name in the individual's voter registration record and that the image displayed is truly an image of the person presenting the document; permitting the casting of a provisional ballot by a person without

adequate proof of identification if the voter executes an affidavit; permitting the provisional ballot to be counted if certain conditions are met; providing that certain funds be made available; requiring identification photos to be taken by certain spending units; accessing databases; exempting voters who vote in person at a precinct polling place that is located at a state licensed care facility where the voters are residents; county clerks being the custodian of vote-recording devices, tabulating equipment and electronic poll books; duties; requirements and specifications for electronic poll books; permitting the Division of Motor Vehicles to issue, at no charge, identification cards to persons who will be at least eighteen years of age at the next general, municipal or special election and intends to use the identification card as a form of identification for voting; and providing criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegates Campbell, Ellington, Morgan and Perdue:

H. B. 3108 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5C-21, relating generally to nursing homes; requiring a professional licensee applying for work or working in a nursing home to meet the criminal background check standard to obtain licensure to work in a nursing home"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Azinger, A. Evans, Romine and Faircloth:

H. B. 3109 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-7-14, relating to prohibiting a person from driving in the passing lane of a highway when not passing another vehicle under certain circumstances; and providing a criminal penalty for violators"; to the Committee on Roads and Transportation then the Judiciary.

By Delegate Armstead:

H. B. 3110 – "A Bill to amend and reenact §5-3-3 and §5-3-4 of the Code of West Virginia, 1931, as amended, all relating to clarifying the powers of the Attorney General to enter into contracts for legal

services with attorneys outside the Attorney General's Office"; to the Committee on the Judiciary then Finance.

By Delegates Guthrie, Wells, Poore, Skaff, Walters, Romine, Armstead, E. Nelson, McCuskey, Raines and Hunt:

H. B. 3111 – "A Bill to amend and reenact §18-9A-11 of the Code of West Virginia, 1931, as amended, relating to computing local share of public education support; finding the benefit of public libraries as a part of the system of public education; and providing for equal treatment of county boards of education in funding public libraries as a part of the system of public education"; to the Committee on Education then Finance.

By Delegates Raines, Lane, Miley, Overington and Poore:

H. B. 3112 – "A Bill to amend and reenact §14-2A-3, §14-2A-9 and §14-2A-12 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; increasing the amount of victim relocation costs; permitting a victim's reasonable travel costs to attend probation hearings of the offender; redefining a term; permitting the Court of Claims to hire more than two claim investigators; and permitting claim investigators to acquire autopsy reports, including toxicology results, from the State Medical Examiner"; to the Committee on the Judiciary then Finance.

By Delegate Perdue:

H. B. 3113 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to establishing a process to determine the validity of an application for a medical exemption for compulsory immunization of school children by a public health official"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Miley, Armstead, Boggs, Ellem, Fleischauer, Lane, D. Poling, Ireland, Manchin, Sobonya and Moye:

H. B. 3114 – "A Bill to amend and reenact §29B-1-2 and §29B-1-3 of the Code of West Virginia, 1931, as amended; to amend said code

by adding thereto a new section, designated §29B-1-3a; and to amend and reenact §29B-1-4 of said code, all relating to the Freedom of Information Act; redefining the term public record; establishing reporting of actions taken to Secretary of State; directing Secretary of State to establish web site of FOIA responses; and revising the exemption for communications received or prepared by any public body"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Ellington, Sumner, Gearheart, Hamrick, Moore, Ellem and J. Nelson:

H. B. 3115 – "A Bill to amend and reenact §24-1-1 of the Code of West Virginia, 1931, as amended, relating to requiring the Public Service Commission to include additional information in its annual report to the Joint Committee on Government and Finance; and setting forth what additional information is to be included in that report"; to the Committee on Government Organization then Finance.

By Delegates Manchin, Shott, Poore, Ellem, Hunt, Marcum, Skinner, Sponaugle, Fleischauer and Ferro:

H. B. 3116 – "A Bill to amend and reenact §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, all relating to reimbursement for copies of medical records; copies of medical records in electronic format; and limiting the reimbursement fee for electronic records"; to the Committee on Health and Human Resources.

By Delegate Manchin:

H. B. 3117 – "A Bill to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §3-1-51; and to amend and reenact §17B-2-1 of said code, all relating to voter photo identification; types of acceptable photo identification; authorization of the execution of voter identity affidavits for qualified voters without photo identification; procedure for the execution of voter identity affidavit; recording voter identity affidavits; authorizing the Secretary of State

to propose for promulgation necessary rules; procedures to verify the identity of voters executing voter identity affidavit; providing for the issuance of identification cards; and requiring the state to provide the identification cards without charge to any qualified voter"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 3118 – "A Bill to amend and reenact §62-3-13 of the Code of West Virginia, 1931, as amended, relating to requiring a change of venue in all criminal matters for which the sentence could be life without mercy and to allow for appeals by current inmates who are serving a life without mercy charge and for whom no change of venue motion was made or granted"; to the Committee on the Judiciary then Finance.

By Delegate Howell:

H. B. 3119 – "A Bill to amend and reenact §29-22B-1202 of the Code of West Virginia, 1931, as amended, relating to video lottery; permitting certain establishments within one hundred fifty feet of a bar with video lottery to also have video lottery"; to the Committee on the Judiciary then Finance.

By Delegates Howell, Espinosa, Folk, Miller, D. Evans and Westfall:

H. B. 3120 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5h, relating to taking fish and game by proxy; permitting a resident holding a valid hunting or fishing license to take fish or game on behalf of a person who is sixty-five years of age or older, or a person who is blind or has other physical disabilities; penalty; and rules"; to the Committee on Natural Resources then the Judiciary.

By Delegates Cowles, Folk and Azinger:

H. B. 3121 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44-10A-1, §44-10A-2, §44-10A-3, §44-10A-4 and §44-10A-5, all relating to the

codification of a Parents Bill of Rights"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Butler:

H. B. 3122 – "A Bill to amend and reenact §33-20-17 of the Code of West Virginia, 1931, as amended, relating to requiring insurers to provide the same fire insurance coverage and rates for dwellings that are sectional homes on permanent foundations as is provided for permanent dwellings that are improvements to real estate"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate L. Phillips:

H. B. 3123 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-30-4b; and to amend and reenact §39B-1-105 and §39B-1-114 of said code, all relating to enhancing protections of the principal under a medical power of attorney and power of attorney; requiring that named agent under a medical power of attorney and a power of attorney provide thirty day notice to the children and spouse of the principal during which time the medical power of attorney and power of attorney is temporary and agency limited to necessary acts; requiring that medical power of attorney and power of attorney be filed in the county clerk s office of the principal's residence; requiring that copy of medical power of attorney and power of attorney be provided to the principal s children and spouse; requiring that financial statements be provided to children and spouse of principal every six months; requiring that accounts of the principal be maintained separate from accounts of agent and those with whom the agent is familiar; and creating crime and penalty"; to the Committee on the Judiciary then Finance.

By Delegates R. Phillips, Ferro, Craig, Ashley and Howell:

H. B. 3124 – "A Bill to amend and reenact §7-1-3v of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §7-1-3pp, all relating to floodplain and mudslide area management; and requiring the State Coordinator of

the National Flood Insurance Program to review proposed building codes, or amendments to an existing building code, and establish a system of permit fees for applications for projects within any specified area or areas of a county or municipality which has enacted a building code"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Raines, Arvon, Border, Ferns, E. Nelson, Pasdon and Reynolds:

H. B. 3125 – "A Bill to repeal §30-27-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-3, §30-27-8, §30-27-11 and §30-27-12 of said code; and to amend and reenact §30-37-7 of said code, all relating to the Board of Barbers and Cosmetologists; licensing schools of aesthetics, barbering, cosmetology, manicuring and massage; transferring authority to approve licensure for certain schools; providing requirements for professional licensing, license renewal and work permits; and establishing certain student registration requirements"; to the Committee on Government Organization then Education.

By Delegates Miley and Manchin:

H. B. 3126 – "A Bill to amend and reenact §28-5-27 of the Code of West Virginia, 1931, as amended, relating to providing encouragement to inmates to complete education and treatment programs and to reward extra meritorious service of inmates, both through the award of good time days"; to the Committee on the Judiciary then Finance.

By Delegates Armstead, Anderson, Frich, Border, Faircloth, Espinosa, Shott, Ambler, Overington and Ellington:

H. B. 3127 – "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing discounted motor vehicle registration fees for members of volunteer fire departments"; to the Committee on Roads and Transportation then Finance.

By Delegates Armstead, Shott, Sumner, Espinosa, Rowan, Cooper, Border, Arvon, Frich, Householder and Overington:

H. B. 3128 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5h, relating to directing the State Board of Education to determine which principal and teacher reports are unnecessary; and requiring the state board to submit a report to the Legislature identifying those reports with recommendations on how to lessen the administrative burden on principals and teachers"; to the Committee on Education.

By Delegate Walters:

H. B. 3129 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-9-1, §4-9-2 and §4-9-3, all relating to creation of the Verifiable Science Act; and providing for access by the public to any purported scientific data or other information used as the basis for proposed legislative rules or statutory enactments"; to the Committee on Government Organization then Finance.

By Delegates Armstead, O'Neal, Pasdon, Ellington, Miller, Lane, Howell, Arvon and Andes:

H. B. 3130 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9 and §51-1B-10, all relating to authorizing a new court to be known as the Intermediate Court of Appeals; setting forth the structure and duties of the court and its staff; establishing jurisdiction; and providing for salaries"; to the Committee on the Judiciary then Finance.

By Delegates Overington, Householder and R. Smith:

H. B. 3131 – "A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to providing that all persons have the right to be free from violence without regard to the motivation behind the violence; and deleting specified criminal penalties"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 3132 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-6, relating to creating the offense of sexual battery; and providing a criminal penalty"; to the Committee on the Judiciary then Finance.

By Delegate Campbell:

H. B. 3133 – "A Bill to amend and reenact §3-3-1 of the Code of West Virginia, 1931, as amended, relating to voting by absentees; permitting absentee voting by nonresident taxpayers on school levy or school bond proposals; and providing responsibilities of county boards of education with regard to the elections"; to the Committee on Education then the Judiciary.

By Delegates Poore, Moore, Guthrie, Marshall, Skinner, Pasdon, Raines, Caputo, Eldridge, Stephens and Swartzmiller:

H. B. 3134 – "A Bill to amend and reenact §30-27-1, §30-27-3, §30-27-8 and §30-27-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-27-11b, all relating to the Board of Barbers and Cosmetologists; defining hair braiding; legislative findings; authorizing the board to issue hair braiding permits; and authorizing hair braiding permit holders to practice individually"; to the Committee on Government Organization.

By Delegates Marcum, R. Phillips, Sponaugle, Manypenny, Longstreth and Skinner

[By Request of the Secretary of State's Office]:

H. B. 3135 – "A Bill to amend and reenact §3-4A-2, §3-4A-8, §3-4A-23 and §3-4A-27 of the Code of West Virginia, 1931, as amended, all relating generally to voting system certification and procedures at the central counting center; updating and clarifying the definitions related to electronic voting systems; updating language related to approval of electronic voting systems; correcting internal references; updating and clarifying language related to proceedings at the central counting center"; to the Committee on the Judiciary.

By Delegates Reynolds, Moye, Craig, Iaquinta, Sobonya, Pethtel, Eldridge, McCuskey, Rowan, Arvon and Cowles:

H. B. 3136 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to preventing taxpayer subsidization of health insurance covering elective abortions; prohibiting all qualified health plans offered through a state exchange from including abortion coverage except to prevent the death of the mother; and preventing all other health plans, including health insurance contracts, plans or policies, offered outside of the exchange, but within the state, from providing coverage for elective abortions except by optional separate supplemental coverage for abortion"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Morgan, Reynolds and Eldridge:

H. B. 3137 – "A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to criminal background checks for applicants for home inspectors"; to the Committee on the Judiciary.

By Delegate Perdue:

H. B. 3138 – "A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating generally to raising the excise tax on cigarettes and all other tobacco products; and establishing a special revenue account dedicating half the proceeds from the increased excise tax to certain health related issues and the other half to the General Revenue Fund"; to the Committee on Health and Human Resources then Finance.

By Delegates Sponaugle, R. Phillips, Manypenny and Longstreth

[By Request of the Secretary of State's Office]:

H. B. 3139 – "A Bill to amend and reenact §3-1A-8 of the Code of West Virginia, 1931, as amended, relating to authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon"; to the Committee on the Judiciary.

By Delegate E. Nelson:

H. B. 3140 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-4-8a, relating to change in assessment, classification and tax of real property classified as Class III or IV transferred to persons to be used and occupied by the owner thereof exclusively for residential purposes; providing a procedure to revise the assessment, classification and taxation of the property to be effective at the time of transfer, for the tax year in which the property was transferred"; to the Committee on the Judiciary then Finance.

By Delegates Skaff, McCuskey, Sponaugle, Stowers and R. Phillips:

H. B. 3141 – "A Bill to amend and reenact §11-16-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-28 of said code; to amend and reenact §60-7-13a of said code; and to amend and reenact §60-8-18 of said code, all relating to providing consistency for the location of the Alcohol Beverage Control Administration's appeal hearings; and providing that appeals from the commissioner's decision are to be brought in the circuit court of Kanawha County"; to the Committee on the Judiciary.

By Delegate Gearheart:

H. B. 3142 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-12b; and to amend and reenact §62-12-13, all relating to eligibility for release on parole of inmates in regional jails that have been committed to prison; establishing a program to expedite the provision of all services, treatment, evaluations, assessments and programs, including a written parole release plan, to be eligible for parole; providing various methods to provide components of the program at regional jails; providing payment of costs for the program; and revising eligibility requirements for parole"; to the Committee on the Judiciary then Finance.

By Delegate Manchin:

H. B. 3143 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-8b, relating to creating an environmental awareness program in the West Virginia School system to educate students regarding recycling"; to the Committee on Education then Finance.

By Delegate Westfall:

H. B. 3144 – "A Bill to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board"; to the Committee on Government Organization then the Judiciary.

By Delegates Miley, Manchin, Ferro, Wells and Skinner:

H. B. 3145 – "A Bill to amend and reenact §11-16-9 of the Code of West Virginia, 1931, as amended, relating to sales of nonintoxicating beer; and removing the existing maximum quantities of beer that retailers can sell for off premises consumption"; to the Committee on the Judiciary then Finance.

By Delegates Ellington, Rowan, Shott, Sobonya, Arvon, Ireland, Gearheart, Overington and Faircloth:

H. B. 3146 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-6, relating to implementing drug testing for recipients of federal-state and state assistance"; to the Committee on the Judiciary then Finance.

By Delegates Ellington, Gearheart and Shott:

H. B. 3147 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §9-5-22; and to amend said code by adding thereto a new section, designated §33-16-3w, all relating to requiring health insurance coverage for eosinophilic disorders; requiring the Public Employees Insurance

Agency to provide coverage for eosinophilic disorders; requiring group accident and sickness insurance to provide coverage for eosinophilic disorders; and requiring the state Medicaid program to provide coverage for eosinophilic disorders"; to the Committee on Health and Human Resources then Finance.

By Delegates Moye, Staggers, A. Evans, Azinger, Guthrie, Perry and Perdue:

H. B. 3148 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-15A-1, §20-15A-2, §20-15A-3, §20-15A-4, §20-15A-5 and §20-15A-6, all relating to creating the ATV and UTV Recreation Act; legislative findings concerning trail-oriented recreation for off-highway vehicle enthusiasts; definitions; required equipment, off-highway use permits, and the registration of all-terrain vehicles or utility-terrain vehicles on roads and trails on public lands, old timber roads and other limited use roads, including national forests; authorizing the Director of the Division of Natural Resources to propose rules to implement the article; the Commissioner of Motor Vehicles is responsible for licensing of the vehicles; duties and liabilities of licensees; and use of fees generated by article"; to the Committee on Roads and Transportation then Finance.

By Delegates Sobonya, J. Nelson, Miller, Westfall, Frich, Rowan, Shott, Folk, Espinosa, Howell and Hamrick:

H. B. 3149 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-1b, relating to requiring the Commissioner of Corrections to keep a record of repeat offenses committed by persons convicted of sexual offenses against children; setting forth minimum requirements; and authorizing rule-making"; to the Committee on Government Organization then the Judiciary.

By Delegates Shott, Householder, Gearheart, Howell, Ellington, Azinger, Ellem and Overington:

H. B. 3150 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10d,

relating generally to purchasing; defining terms; prohibiting the award and renewal of contracts worth over $2 million to vendors owned in whole or in party by state officials or by family members of state officials; requiring an affidavit of compliance with this section to accompany bids, contract proposals and contracts with the state; and providing for Ethics Commission review and approval of exceptions to this prohibition"; to the Committee on Government Organization then the Judiciary.

By Delegate Manchin:

H. B. 3151 – "A Bill to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3 and §22C-9-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to generally oil and gas conservation; providing for the integration of interests in drilling units in connection with horizontal shallow oil or gas wells; setting forth application requirements; establishing the standard of review; providing for integration orders; requiring notice and timeliness; providing for hearings; addressing oil and gas produced from horizontal wells, vertical shallow wells and unconventional reservoirs; adding new definitions; and modifying existing definitions"; to the Committee on the Judiciary.

By Delegate Storch:

H. B. 3152 – "A Bill to amend and reenact §17C-5-4, §17C-5-5, §17C-5-6 and §17C-5-8 of the Code of West Virginia, 1931, as amended, all relating to the criminal offense of driving a motor vehicle in this state under the influence of alcohol, controlled substances or drugs; establishing implied consent by drivers to a secondary test of his or her blood or urine to determine the presence and level of controlled substances or other drugs; providing for arrest by a law-enforcement officer after a preliminary breath test to determine a person s blood alcohol content in certain instances; establishing procedure to obtain blood for the purpose of determining the presence and level of controlled substances or other drugs; evidentiary use of results of tests

of blood or urine for the presence and level of controlled substances or other drugs; and establishing prima facie evidence that a person is under the influence of a controlled substance or other drug"; to the Committee on the Judiciary then Finance.

By Delegate Manypenny:

H. B. 3153 – "A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §22-15B-1 and §22-15B-2, all relating to retailer electronic waste collection; definitions; and the responsibilities of retailers engaged in the sale of covered electronic equipment"; to the Committee on the Judiciary then Finance.

By Delegates Manypenny, Fleischauer, Manchin, Sponaugle and Kump:

H. B. 3154 – "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the expungement of certain felony convictions; setting forth the conditions; establishing a procedure; creating exceptions; and establishing its effect"; to the Committee on the Judiciary then Finance.

By Delegates Sobonya, Westfall, Faircloth, Border, Raines, Arvon, Ashley, R. Smith, Sumner, Rowan and Householder:

H. B. 3155 – "A Bill to amend and reenact §16-2D-6 of the Code of West Virginia, 1931, as amended, relating to certificate of need; and establishing a definition of no significant additional fiscal burden in the minimum criteria for certificate of need reviews when an application is made by a hospital, nursing home or other health care facility to provide ventilator services which have not previously been provided for a nursing facility bed"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates D. Poling, Caputo, Manypenny and Walker:

H. B. 3156 – "A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated

§21-1A-9, relating to granting a labor organization or an agent of a labor organization a privilege from being compelled to disclose any communication or information the labor organization or agent received or acquired in confidence from an employee while the labor organization or agent was acting in a representative capacity concerning an employee grievance; providing exceptions; and definitions"; to the Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.

SPECIAL CALENDAR

UNFINISHED BUSINESS

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

Com. Sub. for H. C. R. 53, The "Oral Gene Castle Bridge",

H. C. R. 66, The "PFC Casey West Memorial Bridge, United States Navy",

H. C. R. 76, The "John W. Pyles Bridge",

And,

H. C. R. 80, Urging the US Congress to move West Virginia from the Environmental Protection Agency s Region 3 office to the Region 4 office in Atlanta.

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

H. C. R. 88, Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows; coming up in regular order, as unfinished business, was, on motion of Delegate Boggs, laid over.

THIRD READING

H. B. 2463, Repealing the article that permits the sterilization of persons deemed to be mentally incompetent; 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. 69)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Canterbury, Fragale and Moore.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2463) 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. 2237, Requiring physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain; 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. 2583, Establishing a regulatory system for sexual assault forensic examinations; 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. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Miley, the bill was amended on page twenty-one, section six, line thirty-five, by striking out the word "three" and inserting in lieu the word "five".

And,

On page twenty-one, section six, line thirty-six, before the words "to serve", by striking out the word "two" and inserting in lieu thereof the word "three".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2733, Relating to hearings before the Office of Administrative Hearings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

H. B. 2158, Relating to the provision of financially-related services by banks and bank holding companies,

Com. Sub. for H. B. 2395, Relating to senior services,

Com. Sub. for H. B. 2453, Expanding the Amber Alert Plan,

H. B. 2543, Specifying that the subsidy provided to volunteer fire departments to offset certain workers compensation premium increases apply to increases attributable to the fire fighting service,

Com. Sub. for H. B. 2652, Authorizing the Department of Administration to promulgate legislative rules,

Com. Sub. for H. B. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification,

H. B. 2800, Relating to the Teachers Retirement System,

Com. Sub. for H. B. 2802, Relating to the Emergency Medical Services Retirement System,

Com. Sub. for H. B. 2809, Authorizing the Division of Corrections to implement a responsible parent program pilot project,

H. B. 2818, Relating to the Teachers Defined Contribution Retirement System,

H. B. 2822, Holding liable any participating public employer owing delinquent retirement contributions,

Com. Sub. for H. B. 2945, Relating to the distribution of state funds to volunteer fire departments,

H. B. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes,

And,

H. B. 3013, Authorizing the establishment of job creation work groups.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Fragale and Moore.

REMARKS BY MEMBERS

Delegate Lane asked and obtained unanimous consent that the remarks of Delegates Caputo and J. Nelson regarding H. R. 28, Calling upon Patriot Coal to live up to their obligations to active and retired miners, their families and widows be printed in the Appendix to the Journal.

MISCELLANEOUS BUSINESS

Delegate Canterbury announced that he was absent on today when the votes were taken on Roll Nos. 67, 68 and 69, and that had he been present, he would have voted "YEA" thereon.

Delegate Gearheart noted to the Clerk that he was absent on Friday when the votes were taken on Roll Nos. 50 through 66 and had he been present he would have voted "YEA" on Roll No. 52 and Roll Nos. 55 through 66.

At 12:16 P.M., the House of Delegates adjourned until 11:00 A.M., Tuesday, March 26, 2013.

TUESDAY, MARCH 26, 2013

FORTY-SECOND DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Monday, March 25, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 79, The "Joe Curtis (Joey) Dingess Memorial Bridge",

H. C. R. 85, The "Carnie L. Spratt Memorial Bridge",

H. C. R. 89, The "Navy AD3 Jack Lively Memorial Bridge",

And,

H. C. R. 91, The "Platoon Sgt. Clifford Tomblin Highway, United States Army",

And reports the same back with the recommendation that they each be adopted.

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

Your Committee on Finance has had under consideration:

H. B. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs,

And,

H. B. 2859, Authorizing the Commissioner to issue no more than ten additional special demonstration plates used by new and used dealers of larger commercial type vehicles,

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

Chairman Perdue, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2731, Regulating the performance of health maintenance tasks by unlicensed personnel,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2731) was referred to the Committee on the Judiciary.

Delegate Miley, 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. 2626, H. B. 2660, H. B. 2661, H. B. 2662, H. B. 2663 and H. B. 2695, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules,

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

Com. Sub. for H. B. 2626 - "A Bill to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the Department of Military Affairs and Public Safety; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Protective Services to promulgate a legislative rule relating to contracted police or security services; authorizing the State Fire Commission to promulgate a legislative rule relating to the state building code; authorizing the State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training and certification standards; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law enforcement response to stalking; and authorizing the Governor's

Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to the protocol for law enforcement response to child abuse and neglect,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2956, Relating to resident brewers and brewpubs,

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

Delegate Miley, 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. 3069, Relating to access to justice,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3069) was referred to the Committee on Finance.

Delegate Miley, 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. 2778, Defining alternative nicotine products and electronic cigarettes,

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

Com. Sub. for H. B. 2778 - "A Bill to amend and reenact §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to the usage restrictions for tobacco and tobacco products; defining tobacco products; defining vapor products; including vapor products within the definition of tobacco products; exclusions; prohibiting the sale of vapor products to individuals under eighteen years of age; prohibiting the use and possession of vapor products by an individual under eighteen years of age; including vapor products within the tobacco products for which unannounced inspections may be conducted to ensure compliance with sales restrictions; and restricting the sale of vapor products in vending machines; establishing associated misdemeanor offenses and penalties for prohibited use, sale and possession and related violations,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2521, Relating to the West Virginia Contraband Forfeiture Act,

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

Com. Sub. for H. B. 2521 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-7-705a, relating to the West Virginia Contraband Forfeiture Act; revising procedures for administrative forfeiture of certain types of property involved in the trafficking of controlled substances; establishing time frames; and providing for notice,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2430, Exempting the construction or addition of active,

H. B. 2893, Relating to preservation of cemeteries,

And,

H. B. 2902, Establishing voting precincts and changing the composition of standard receiving boards.

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

In accordance with the former direction of the Speaker, the bills (H. B. 2430, H. B. 2893 and H. B. 2902) were each referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

H. B. 2563, Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students,

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

Com. Sub. for H. B. 2563 - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to percentage of their work time that school counselors must spend in a direct or indirect counseling relationship with at-risk students and other pupils and requiring that their remaining work time be spent on only counseling related administrative and other counseling related duties,"

H. B. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes,

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

Com. Sub. for H. B. 2754 - "A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of a 'retailer engaging in business in this state' for purposes of sales and use taxes to include any retailer that is related to, or part of a unitary business with, a person, entity or business that is a subsidiary of the retailer, or is related to, or unitary with, the retailer as a related entity, a related member or part of a unitary business that meets one of four certain additional criteria; providing illustrative examples of the term 'service' for purposes of the expanded definition; and providing effective date for the change of definition,"

H. B. 2923, Relating to directors of state-chartered banking institutions,

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

Com. Sub. for H. B. 2923 - "A Bill to amend and reenact §31A-4-8 of the Code of West Virginia, 1931, as amended, relating to directors of state-chartered banking institutions; and eliminating the residency requirement for a majority of the directors of a state-chartered banking institution,"

And,

H. B. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement,

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

Com. Sub. for H. B. 3003 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9D-4a, relating generally to facilitating and enforcing compliance with escrow, certification and other requirements imposed on certain tobacco manufacturers that did not participate in the tobacco product manufacturers' Master Settlement Agreement; imposing bonding requirements on certain nonparticipating tobacco product manufacturers; and providing for forfeiture of bond for noncompliance,"

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2946, Permitting the sale of alcoholic beverages on Sunday mornings,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2946) was referred to the Committee on Finance.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 31, The "WWII 78th Lightning Division Road".

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 68, The "Army Maj. Gen. Charles C. Rogers Memorial Bridge".

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. 11 - "A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code, all relating generally to schedules of controlled substances; modifying and including definitions; and updating West Virginia schedules of controlled substances to include certain substances found in the federal schedules of controlled substances"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

S. B. 190 - "A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the funding of transportation public-private partnership projects and their corresponding comprehensive agreements; eliminating requirement that money from the State Road Fund only be used for public-private partnership projects where the money serves as a required match for federal funds specifically earmarked in a federal authorization or appropriation bill and does not exceed four percent of the immediate preceding three fiscal years' average of the Division of Highway's

construction contracts awarded under the competitive bid process; allowing public-private partnership projects to use money from the State Road Fund when the projects are in excess of $20 million, constructed by the Division of Highways and contained in its six-year plan; providing that any earnings in excess of maximum rate of return that is negotiated in comprehensive agreements be deposited in the State Road Fund; eliminating a sunset provision prohibiting comprehensive agreements for public-private partnership projects after June 30, 2013; eliminating the requirement that a comprehensive agreement for public-private partnership projects be approved by concurrent resolution of the Legislature and be submitted to the Governor for his or her approval or disapproval before the Division of Highways enters into the comprehensive agreement; and mandating that the Division of Highways provide a copy of any comprehensive agreement to the Legislature's Joint Committee on Government and Finance at least thirty days prior to said agreement being executed by the Division of Highways for a public-private partnership"; 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 the Code of West Virginia, 1931, as amended, by adding thereto four new sections, designated §48-1-401, §48-1-402, §48-1-403 and §48-1-404; to amend said code by adding thereto a new article, designated §49-1A-1, §49-1A-2, §49-1A-3 and §49-1A-4; and to amend and reenact §62-6B-2, §62-6B-3 and §62-6B-4 of said code, all relating to child witnesses; creating procedures and protections for child witnesses in domestic relations and child abuse and neglect proceedings; amending procedures and protections for child witnesses in criminal proceedings; setting forth the rights of child witnesses; establishing the procedure and safeguards to be used when taking testimony of a child witness; setting criteria that a court should use when addressing child witnesses; permitting a court in certain instances to permit a child witness to give

testimony by closed-circuit television; establishing certain procedures to be used when taking testimony of a child witness by closed-circuit television; protecting recordings made of statements by child witnesses; providing for confidentiality; providing for criteria for instances when the child witness may also be a victim; permitting a support person and other accommodations for a child witness in certain situations; defining terms; increasing the age of a child witness in criminal cases; adjusting findings that must be made with regard to certain child witnesses; updating procedures for taking testimony of child witnesses by closed-circuit television in criminal cases; removing the option from criminal defendants to absent themselves from the courtroom during child witness testimony in lieu of testimony by closed-circuit television; providing additional accommodations available to a court for child witnesses in criminal cases; and setting requirements for use of recordings of child witnesses"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 489 - "A Bill to amend and reenact §16-13E-6 of the Code of West Virginia, 1931, as amended, relating to permitting community enhancement districts to decrease the amounts of annual property assessments; providing a process that a community enhancement board is to use to certify the decrease to the county sheriff; requiring that any decrease be included in the tax ticket or a modified tax ticket; and specifying that the process may not be used for increases in the annual assessments"; which was referred to the Committee on the Judiciary then 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. 523 - "A Bill making a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Governor's Office, Minority Affairs Fund, fund 1058, fiscal year 2013, organization 0100, to the Department of Education and the Arts, State Board of Rehabilitation - Division of Rehabilitation Services - West Virginia Rehabilitation Center - Special Account, fund 8664, fiscal year 2013, organization 0932, to the Department of Health and Human Resources, Division of Health - Hospital Services Revenue Account, Special Fund, Capital Improvements, Renovation and Operations, fund 5156, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Health - Lead Abatement Account, fund 5204, fiscal year 2013, organization 0506, to the Department of Revenue, Municipal Bond Commission, fund 7253, fiscal year 2013, organization 0706, to the Department of Transportation, Public Port Authority - Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2013, organization 0806, to the Miscellaneous Boards and Commissions, WV Board of Examiners for Registered Professional Nurses, fund 8520, fiscal year 2013, organization 0907, and to the Miscellaneous Boards and Commissions, WV Board of Licensed Dietitians, fund 8680, fiscal year 2013, organization 0936, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013"; 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. 524 - "A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2013, organization 0803, for the fiscal year ending June 30, 2013"; 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. 525 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2013, to the Department of Administration, Children's Health Insurance Agency, fund 8838, fiscal year 2013, organization 0230, to the Department of Commerce, Division of Miners' Health, Safety and Training, fund 8709, fiscal year 2013, organization 0314, to the Department of Education, State Department of Education, fund 8712, fiscal year 2013, organization 0402, to the Department of Education and the Arts, Division of Culture and History, fund 8718, fiscal year 2013, organization 0432, to the Department of Health and Human Resources, Division of Health, Central Office, fund 8802, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2013, organization 0511, to the Department of Military Affairs and Public Safety, West Virginia State Police, fund 8741, fiscal year 2013, organization 0612, to the Department of Revenue, Insurance Commissioner, fund 8883, fiscal year 2013, organization 0704, and to Miscellaneous Boards and Commissions, Coal Heritage Highway Authority, fund 8861, fiscal year 2013, organization 0942, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013"; 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. 526 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys

remaining unappropriated for the fiscal year ending June 30, 2013, to the Department of Health and Human Resources, Division of Human Services - Temporary Assistance for Needy Families, fund 8816, fiscal year 2013, organization 0511, by supplementing and amending the appropriation for the fiscal year ending June 30, 2013"; 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

Com. Sub. for S. B. 534 - "A Bill to amend and reenact §33-6F-2 of the Code of West Virginia, 1931, as amended, relating to correcting an internal reference of the code with regard to insurance information disclosure"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 544 - "A Bill to amend and reenact §4-10-8 of the Code of West Virginia, 1931, as amended, relating to the schedule of departments for agency review"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 17 - "Requesting the Division of Highways to name bridge number 42-5/5-0.04 on Route 5/5 in Randolph County the 'Army Captain Bernard Francis Jones Memorial Bridge'."

WHEREAS, Captain Jones was born in Coalton and graduated from Coalton High School in 1958; and

WHEREAS, Captain Jones enlisted in the United States Army in the autumn of 1958 and served until 1961; and

WHEREAS, Upon his return home Captain Jones attended Davis and Elkins College; and

WHEREAS, Captain Jones reenlisted in the United States Army, attended Officer Candidate School and received an officer's commission; and

WHEREAS, Captain Jones served with Advisory Team 91 in Vietnam from 1965 until his death in 1967; and

WHEREAS, Captain Jones was awarded the Bronze Star, Air Medal, Army Commendation Medal, Good Conduct Medal, Purple Heart, National Defense Service Medal, Vietnam Service Medal, Combat Infantry Medal, Republic of Vietnam Campaign Medal, Parachutist Badge and Expert Rifle Badge; and

WHEREAS, It is fitting to honor Captain Jones for his commitment, dedication and service to his country and his state and having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-5/5-0.04 on Route 5/5 in Randolph County the "Army Captain Bernard Francis Jones 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 "Army Captain Bernard Francis Jones Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and the family of Captain Bernard Francis Jones.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 19 - "Requesting the Division of Highways to name bridge number 20-61-10.39, crossing Cabin Creek on United States Route 61, in Kanawha County, the 'U. S. Army Sgt. Archie W. Searls Memorial Bridge'."

WHEREAS, Archie W. Searls was born July 2, 1920, and lived a full life until he passed away on January 6, 2013; and

WHEREAS, Archie W. Searls served his country in World War II, having served in the United States Army's 3144th Signal Service Detachment; and

WHEREAS, Archie W. Searls worked for Appalachian Power Company for forty-one years, working eleven years at the company's Cabin Creek facility and an additional thirty years at the company's Kanawha River Plant facility in Glasgow; and

WHEREAS, Archie W. Searls served as a charter board member of the Chelyan Public Service District, now Kanawha Public Service District, and served multiple terms as president of the Public Service District, where he worked to provide the citizens of eastern Kanawha County with fresh potable water and sanitary sewer systems; and

WHEREAS, Archie W. Searls served as a board member of the Kanawha Valley Regional Transportation Authority for fifteen years, where he also served multiple terms as President of the Transportation Authority, working to improve public transportation for all citizens of Kanawha County; and

WHEREAS, Archie W. Searls was a lifelong member of the Chelyan United Methodist Church, where he served on the Administrative

Council. He also gave freely of his time serving as the Chaplain for the East Bank High School football team for sixteen years, and continued to serve in this capacity for an additional fourteen years at Riverside High School; and

WHEREAS, Archie W. Searls regularly volunteered at Heartland Healthcare Center for more than thirty years, helping care for senior citizens less fortunate than himself even in his advanced age; and

WHEREAS, Archie W. Searls was a member of plethora fraternal organizations including Chelyan Masonic Lodge 158, where he served as a past master, Chelyan and Pratt Lions Clubs, Eastern Star, the Scottish Rite and Shrine of Charleston; and

WHEREAS, Archie W. Searls was a lifelong resident of the Greater Chelyan area near East Bank, West Virginia, and naming a bridge after Archie W. Searls near his home would be a small tribute to a man who was very well thought of and who always placed his fellow citizens' well being before his own; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 20-61-10.39, crossing Cabin Creek on United States Route 61, in Kanawha County, the "U. S. Army Sgt. Archie W. Searls Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U. S. Army Sgt. Archie W. Searls Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the family of Archie W. Searls.

A message from the Senate, by

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

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

S. C. R. 21 - "Requesting the Division of Highways to name bridge number 23-119-18.13, on Route 119 in Logan County, the 'Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge'."

WHEREAS, Lieutenant Varney was born on January 25, 1922, and passed away on May 6, 1977; and

WHEREAS, Lieutenant Varney graduated from Chapmanville High School in 1941; and

WHEREAS, Lieutenant Varney enlisted in the United States Naval Reserves on November 5, 1942, under the V-5 Naval Aviation Cadet Program, entering active service on February 11, 1943, and was officially released from active duty on November 7, 1945; and

WHEREAS, Lieutenant Varney flew twenty-one missions during the Iwo Jima operations, including almost seventy hours of combat time with twenty-two carrier landings on the Makin Island; and

WHEREAS, Lieutenant Varney flew thirty-one missions during the Okinawa operations, including almost one hundred and fourteen hours of combat time with thirty carrier landings, all but one on the Makin Island while the last one during combat operations was on the Savo Island; and

WHEREAS, Lieutenant Varney had forty-three total catapults and seventy-eight carrier landings on five carriers: The USS Sable, the USS Saratoga, the USS Bataan, the USS Makin Island and the USS Savo Island; and

WHEREAS, Lieutenant Varney was awarded the Distinguished Flying Cross, Air Medal, multiple Gold Stars, American Campaign Medal, Asiatic and Pacific Campaign Medal, WW II Victory Medal,

Philippine Presidential Unit Citation and Philippine Liberation Medal; and

WHEREAS, Lieutenant Varney married Aleen "Pat" Williamson on November 8, 1947, raised five children and had eight grandchildren and six great grandchildren; and

WHEREAS, Following his service in the Navy, Lieutenant Varney was a pilot instructor and at one point all state troopers in Logan knew how to fly; and

WHEREAS, Lieutenant Varney was a PTA President, was very involved with his children and their activities and was the high school band president while his children were in the band and raised money for uniforms and instruments; and

WHEREAS, When returning home from several days of work Lieutenant Varney would fly his plane low near his house, so that his children would know that he would be home very shortly; and

WHEREAS, Lieutenant Varney was a Mason and spearheaded the project to get an airport in Logan; and

WHEREAS, It is fitting to honor Lieutenant Varney for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-119-18.13, on Route 119 in Logan County, the "Navy Lieutenant, Junior Grade, Edsel Carl Varney 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 '"Navy Lieutenant, Junior Grade, Edsel Carl Varney Memorial Bridge'"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and the family of Lieutenant Edsel Carl Varney.

RESOLUTIONS INTRODUCED

Delegates Fleischauer, Poore, Campbell, Barill, Diserio, Manypenny, Moye, Marshall, Guthrie, Pasdon, Frich, Ambler, Anderson, Ashley, Barrett, Boggs, Border, Canterbury, Craig, Eldridge, Ellem, Ellington, Espinosa, A. Evans, Hartman, Hunt, Iaquinta, Jones, Kump, Lawrence, Lynch, McCuskey, Miley, Moore, Morgan, E. Nelson, Perdue, R. Phillips, M. Poling, Raines, Reynolds, Skaff, Skinner, Sponaugle, Stephens, Stowers, Swartzmiller, Tomblin, Walker, White, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 100 - "Requesting the Joint Committee on Government and Finance study Medical Amnesty and Good Samaritan policies in other states and in institutions of higher education."

WHEREAS, Medical Amnesty or Good Samaritan laws are state-wide laws that grant a limited legal immunity to minors who seek medical attention for themselves or another individual; and

WHEREAS, Medical Amnesty or Good Samaritan policies encourage students and citizens to seek potentially life-saving medical treatment for themselves or others without worry of disciplinary or punitive action in cases of underage consumption or possession of illegal substances; and

WHEREAS, While Medical Amnesty policies grant protection from criminal sanctions, other nonpunitive consequences, such as education or treatment, may be made available; and

WHEREAS, Students would not be granted amnesty from punitive sanctions resulting from other policies that they violate while under the influence of drugs or alcohol; and

WHEREAS, Follow-up evaluations and counseling are fundamental components of any Medical Amnesty Policy; and

WHEREAS, Everyday fourteen young people under the age of twenty-one die as a result of underage drinking; and

WHEREAS, Calls for medical assistance occur less than 50% of the time in overdose cases in the US; and

WHEREAS, Witnesses are 2.5 times more likely to call for help in cases of alcohol poisoning when Medical Amnesty or Good Samaritan policies are in place; and

WHEREAS, Over fifteen states and ninety institutions of higher learning have enacted or are considering Medical Amnesty or Good Samaritan policies, including our neighboring state Pennsylvania and four universities in the Big 12 Conference; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to conduct a study on Medical Amnesty and Good Samaritan policies in other states and in institutions of higher education; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the 2014 regular session of the Legislature, on its findings, conclusions and recommendations together with drafts of any legislation 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 Fleischauer, Sponaugle, Lynch, Skinner, Lawrence, Manypenny, Campbell, Barill, Diserio, Ferro, Sobonya, Craig, Pasdon, Anderson, Border, Ellem, Ferns, Howell, Jones, Kump, J. Nelson, D.

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

H. C. R. 101 - "Requesting the Joint Committee on Government and Finance study the legality and the potential consequences of the use of drones by public and private entities in the State of West Virginia."

WHEREAS, It is estimated by Aviation Today that the worldwide drone market could exceed $80 billion in the next decade; and

WHEREAS, According to USA Today and CNN the use of drones in state and municipal policing, as well as in the private sector, is increasing; and

WHEREAS, Without regulation drones could potentially carry lethal payloads; and

WHEREAS, Drones may be used as a surveillance tool and are thus a potential threat to privacy; and

WHEREAS, There is no consensus in law on how data collected by drones can be used, stored or shared; and

WHEREAS, Legislation may be needed to govern prohibited uses of drones, exceptions to prohibitions, admissibility as evidence, and remedies for violation; and

WHEREAS, According to the National Conference on State Legislatures more than twenty states are considering legislation to regulate public and private purchase and use of drones; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the legality and the potential consequences of the use of drones by public and private entities in the State of West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 Barill, Caputo, Marshall, Pasdon, Fleischauer, Manchin, Iaquinta, Miley, Longstreth, Pethtel and Hunt offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 102 - "Requesting that the interchange at Exit Ramp 31-79-150 in Morgantown, Monongalia County, West Virginia be named the 'Michael A. Oliverio, Sr. Interchange'."

WHEREAS, Michael A. Oliverio, Sr. was born in Carolina, West Virginia to Joseph Oliverio and Mary Oliverio; and

WHEREAS, Michael A. Oliverio, Sr.'s education began in Carolina Grade School and continued to Monongah High School; and

WHEREAS, Michael A. Oliverio, Sr.'s higher education includes a Bachelors Degree in Physical Science and Mathematics from Fairmont State College, a Masters in Guidance and Counseling from West Virginia University, and additional post graduate work completed at the University of Virginia, College of St. Thomas, Minnesota, and George Washington University; and

WHEREAS, Michael A. Oliverio, Sr. began a loving marriage which lasted a wonderful forty-eight years with his wife Julia Barber Oliverio, who unfortunately passed away in 2007; their marriage blessed them with four children: Joseph Oliverio, Michael Oliverio, Frank Oliverio and Mary Oliverio, as well as six grandchildren; and

WHEREAS, Upon completing his educational career, he began a distinguished career as a counselor, statesmen, educator, and civic leader; and

WHEREAS, Michael A. Oliverio, Sr. dedicated his life to the betterment of the global community. He served over twenty times as a keynote speaker and received over forty exceptional honors achievements, the most notable include: Keynote speaker to state rehabilitation associations belonging to West Virginia, Kentucky, and South Carolina, and at regional rehabilitation associations such as the Southwest Regional and Eastern Regional Associations; and

WHEREAS, Michael A. Oliverio, Sr. has many achievements such as a scholarship called the Michael A. Oliverio Scholarship at West Virginia University for Rehabilitation/Counseling graduates for use in regional and national post graduate development; he was the founder of the Ronald McDonald House in Morgantown, West Virginia, and the Chair of the Community Advisory Committee; he has been credited for bringing the Health South Rehabilitation Center to Morgantown, West Virginia; for founding the National Hall of Fame for Persons with Disabilities in Columbus, Ohio; for serving as county clerk for Monongalia County, West Virginia; as well as participating in briefing Presidents Gerald Ford and Jimmy Carter; and

WHEREAS, Michael A. Oliverio, Sr. chaired the advisory Committee that was instrumental in building Goodwill Stores in locations at Morgantown, Fairmont, Bridgeport, Lewis County, Buchannon, and Elkins, West Virginia; and

WHEREAS, Michael A. Oliverio, Sr. not only served the community locally, but internationally as well, making West Virginia and Calabria sister states and conducting the twinning process joining Clarksburg, West Virginia and San Giovanni in Fiori, Italy; he started an exchange program with students from the University of Calabria and Fairmont State University; and

WHEREAS, Michael A. Oliverio, Sr., for all of his success and service, received recognition in 2008 as the West Virginia Italian American Man of the Year, and it is only fitting to honor Michael A. Oliverio, Sr. for his life-long service to our state and his community; and

WHEREAS, The naming of an interchange honoring Michael A. Oliverio, Sr.'s extraordinary contributions and life is but a small gesture of gratitude and appreciation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the interchange at Exit Ramp 31-79-150 in Morgantown, Monongalia County, West Virginia, the "Michael A. Oliverio, Sr. Interchange"; and, be it

Further Resolved, That the Division of Highways is requested to have made, and be placed at entrances and exits to the interchange, signs containing bold and prominent letters proclaiming the interchange to be the "Michael A. Oliverio, Sr. Interchange"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the family of Michael A. Oliverio, Sr. and to the Commissioner of the Division of Highways.

Delegates Skaff, Armstead, Guthrie, Hunt, Lane, McCuskey, E. Nelson, Poore, Raines, Walters and Wells 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 20-79-1.95 on Interstate 79 in Kanawha County, the 'U.S. Army Staff Sergeant Kenneth Amick Memorial Bridge'."

WHEREAS, Staff Sergeant Amick was fired up with patriotism when he joined the United States Army Air Forces during his senior year at Stonewall Jackson High School; and

WHEREAS, Two years after enlisting Staff Sergeant Amick went to England to fight in World War II; and

WHEREAS, In 1943 Staff Sergeant Amick married Edith Sayre and wrote to his wife the entire time he was overseas, always careful never to reveal his location; and

WHEREAS, Staff Sergeant Amick served as a flight engineer and tail gunner with the B-24 Liberators, 68th Squadron, the 44th Bombardment Group whose logo was the "Flying Eight Balls"; and

WHEREAS, Staff Sergeant Amick returned home safely after the war and joined the National Guard; and

WHEREAS, While Staff Sergeant Amick's marriage ended in divorce, he and his wife had one son, Robert Amick;

WHEREAS, Staff Sergeant Amick along with eighteen other National Guardsmen were killed when their C-47 slammed into a mountain at the Kanawha Airport on April 8, 1951; and

WHEREAS, In 2001, Staff Sergeant Amick's ex-wife Edith Amick Massie accidentally met Jean Lacey whose husband was to be on that fatal National Guard flight, but his schedule changed; and

WHEREAS, Edith Amick Massie began talking with Jean Lacey, who was from England, about a trip she and her granddaughter Heather were going to take to England; and

WHEREAS, After talking with Ms. Lacey, Ms. Massie retrieved Staff Sergeant Amick's letters from England that were in a cedar chest and decided to visit the airfield where he had been stationed; and

WHEREAS, During the May 2002 trip to England Ms. Massie had difficulty in finding the airfield that was located somewhere in the Shipdham countryside, so she stopped in a tavern and asked for directions; and

WHEREAS, While at the tavern a retired Royal Air Force pilot showed Ms. Massie and her granddaughter Heather pictures of the 44th Bombardment Group taken from 1942 to 1945 that were still displayed on the tavern walls; and

WHEREAS, When they reached the last of the photographs Ms. Massie could hardly believe her eyes upon seeing Staff Sergeant Amick's picture and joyfully exclaimed, "Heather! Heather! There he is!"; and

WHEREAS, The tavern owner gave them the photograph and also informed them about D.D. Dodd who operated a museum dedicated to the 44th Bombardment Group; and

WHEREAS, After visiting the museum, Mr. Dodd took them on a grand tour of the airfield and the remaining hangar and Ms. Massie took photographs of the symbolic "Flying Eight Balls" logo that was still painted on the control tower; and

WHEREAS, Staff Sergeant Amick's granddaughter Heather returned home to Maryland with a substantial amount of information about her grandfather that she shared with her brothers, Cameron and Mark, and her father, Staff Sergeant Amick's son, Robert Amick who had been only six when his father died; and

WHEREAS, It is fitting to honor Staff Sergeant Kenneth Amick for his commitment, dedication and service to his country and his state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-79-1.95 on Interstate 79 in Kanawha County, the "U.S. Army Staff Sergeant Kenneth Amick Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U.S. Army Staff Sergeant Kenneth Amick Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation, his son, Robert Amick and Edith Amick Massie.

Delegates Walters, Ambler, Anderson, Arvon, Ashley, Barill, Border, Canterbury, Cowles, Eldridge, Ellem, D. Evans, Ferns, Hamilton, Hamrick, Hunt, Iaquinta, Marcum, McCuskey, E. Nelson, Pasdon, Raines, Shott, R. Smith, Storch, Stowers and Sumner offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 104 - "Recognizing the many contributions made by citizens of the Republic of Azerbaijan and that it is in the best interest of the State of West Virginia to promote relationships with the Azerbaijani people."

WHEREAS, February 26, 2013, marks the twenty-first anniversary of the Khojaly Massacre in Azerbaijan and the observance of this somber date inspires reflection by individuals across the globe; and

WHEREAS, On February 25 and February 26, 1992, Armenian armed forces, accompanied by Russian military troops, occupied the town of Khojaly as part of the bitter warfare that had been taking place in the Nagorno-Karabakh region since 1988; and

WHEREAS, When a large group of Azerbaijani civilians attempted to evacuate the area, they were fired on by the Armenian and Russian soldiers, resulting in the largest massacre of that bloody conflict;

estimates of the exact number of people killed vary from 160 to as many as 1,000, with many women and children among the dead; and

WHEREAS, The massacre was reported by major news organizations and has been viewed by the Human Rights Watch as a violation of customary law regarding the treatment of civilians in war zones and numerous governments around the world have condemned the attack; and

WHEREAS, This tragic event is a sobering reminder of the terrible carnage that can be inflicted in wartime and the enduring need for greater understanding, communication and tolerance among people the world over; and

WHEREAS, The Republic of Azerbaijan and the United States of America are long-standing allies, both dearly cherishing the universal values of freedom, democracy and human rights; and

WHEREAS, The State of West Virginia and the Republic of Azerbaijan enjoy a strong, vibrant and mutually beneficial economic relationship with the prospect of further growth; and

WHEREAS, It is the custom of the State of West Virginia to welcome all who come to our state especially those who come in the interest of friendship and commerce; and

WHEREAS, It is the policy of the West Virginia Legislature to recognize the contributions of our allies and the value of maintaining beneficial relationships with the allies of the State of West Virginia, such as the contributions made by the Republic of Azerbaijan and the value of our positive relationship with this ally; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia recognizes the many contributions made by the citizens of the Republic of Azerbaijan and

that it is in the best interest of the State of West Virginia to promote relationships with Azerbaijan; and, be it

Further Resolved, That upon its adoption, a copy of this resolution be sent to the United States Speaker of the House of Representatives, the President of the United States Senate, the Secretary of State of the United States Department of State, the West Virginia Congressional Delegation, and Richard L. Morningstar, the United States Ambassador to the Republic of Azerbaijan.

SPECIAL CALENDAR

UNFINISHED BUSINESS

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

Com. Sub. for H. C. R. 7, The "County Sheriff Sgt. Michael Todd May Memorial Bridge",

Com. Sub. for H. C. R. 37, The "U.S. Army Sgt. Norman R. Cunningham Memorial Bridge",

H. C. R. 52, The "Richardson Brothers' Memorial Highway, United States Army, World War II",

H. C. R. 67, The "J. Cecil Jarvis Memorial Bridge",

H. C. R. 75, The "USN S2C Jack Wade and USMC PFC Don Wade Memorial Bridge",

And,

Com. Sub. for H. C. R. 81, The "Brigadier General Timothy C. Barrick Memorial Bridge".

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 H. B. 2237, Requiring physicians and other licensed prescribers offer the drug Naloxone to their patients who are prescribed opiates for chronic pain; 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. 70)**, and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: D. Evans, Howell, Miller and Sobonya.

ABSENT AND NOT VOTING: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2237) 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. 2583, Establishing a regulatory system for sexual assault forensic examinations; 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. 71)**, 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2583) 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. 2590, Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs; 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. 72)**, 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2590) 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. 2733, Relating to hearings before the Office of Administrative Hearings; 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. 73)**, 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2733) 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

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

H. B. 2158, Relating to the provision of financially-related services by banks and bank holding companies,

Com. Sub. for H. B. 2395, Relating to senior services,

Com. Sub. for H. B. 2453, Expanding the Amber Alert Plan,

H. B. 2543, Specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service,

Com. Sub. for H. B. 2652, Authorizing the Department of Administration to promulgate legislative rules,

Com. Sub. for H. B. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification,

H. B. 2800, Relating to the Teachers' Retirement System,

Com. Sub. for H. B. 2802, Relating to the Emergency Medical Services Retirement System,

Com. Sub. for H. B. 2809, Authorizing the Division of Corrections to implement a responsible parent program pilot project,

H. B. 2818, Relating to the Teachers' Defined Contribution Retirement System,

H. B. 2822, Holding liable any participating public employer owing delinquent retirement contributions,

Com. Sub. for H. B. 2945, Relating to the distribution of state funds to volunteer fire departments,

H. B. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes,

And,

H. B. 3013, Authorizing the establishment of job creation work groups.

FIRST READING

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

Com. Sub. for H. B. 2108, Making the offense of failure to wear safety belts a primary offense,

Com. Sub. for H. B. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund,

Com. Sub. for H. B. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision,

And,

H. B. 3158, Relating to legislative oversight of education system performance and progress.

LEAVES OF ABSENCE

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

Delegate L. Philips noted to the Clerk that she was absent March 18 through March 22 when the votes were taken on Roll Nos. 30 through 66 and had she been present she would have voted "YEA" on Roll Nos. 30 through 42 and Roll Nos. 50 through 66. She also noted that she would have voted "NAY" on Roll Nos. 43 through 49.

At 11:51 A.M., the House of Delegates adjourned until 11:00 A.M., Wednesday, March 27, 2013.

WEDNESDAY, MARCH 27, 2013

FORTY-THIRD DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Tuesday, March 26, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 25, Amending House Rule No. 94, relating to increasing the allowable number of joint sponsors of a bill,

And reports the same back with the recommendation that it be rejected.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 9, Calling upon the United States Congress to propose a constitutional amendment overturning the Supreme Court's United v. Federal Election Commission ruling and related cases,

H. C. R. 92, The "Army Corporal Randell Maynard Bridge",

H. C. R. 96, The "Army Sgt. Paul Witman Carroll Memorial Bridge",

And,

S. C. R. 14, Requesting DOH name portion of State Route 20 in Upshur County "Thomas B. Dunn Memorial Highway",

And reports the same back with the recommendation that they each be adopted.

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

Your Committee on Finance has had under consideration:

H. B. 2759, Relating to standards for emergency medical service personnel,

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

Com. Sub. for H. B. 2759 - "A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating generally to standards for emergency medical service personnel; providing minimum requirements for staffing ambulances with emergency services personnel; providing that an applicant for renewal of an emergency medical service personnel certificate who is nationally certified or who has had a state certification continuously for five years is not required to take a skills exam; providing rulemaking authority for the Office of Emergency Services relating to certification and recertification of emergency services personnel; providing that no fees be charged to certify or recertify an Emergency Medical Technician - Miner,"

And,

H. B. 2766, Creating the "West Virginia Winner" program,

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

Com. Sub. for H. B. 2766 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1E-6 relating to creating the 'West Virginia Winner' program within the Office of Healthy Lifestyles; providing for local government entities to submit bids to host various athletic and cultural events; declaring who may participate; and establishing participation fees,"

With the recommendation that the committee substitutes each do pass.

Delegate Morgan, 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. 2571, Relating to who may serve as members of the environmental quality board,

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

Com. Sub. for H. B. 2571 - "A Bill to amend and reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to the Environmental Quality Board; permitting individuals who receive a portion of income from state agencies, other than the Department of Environmental Protection, that hold or are applicants to hold certain environment permits to serve on the board,"

With the recommendation that the committee substitute do pass.

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

By Delegates M. Poling, Stowers, Young, Perry, Williams, Barill, Pethtel, Lawrence, Pasdon, Ambler and Cooper:

H. B. 3159 - "A Bill to amend and reenact §18-5B-10 of the Code of West Virginia, 1931, as amended, relating to excepting Monroe County Schools from compulsory attendance age law for purpose of increasing age to eighteen; and excepting Nicholas County Schools from requirement to commence compulsory attendance actions after certain maximum absences for purpose of limited absence excusal for Saturday program completion."

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

Your Committee on Education has had under consideration:

H. B. 2940, Relating to regional meetings among certain officials of county boards of education,

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

Com. Sub. for H. B. 2940 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-26a, relating to regional meetings among certain officials of county boards of education; establishing purposes and limitation; requiring notice; setting forth the responsibilities of county and state education officials; soliciting input from organizations having an interest in education; requiring certain reports; and providing a process for approval of training,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 3104, Authorizing certain legislative rules regarding higher education,

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

Delegate Miley, 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. 2513, Improving enforcement of drugged driving offenses,

H. B. 2548, Increasing the criminal penalties for assaults and batteries against athletic officials,

H. B. 2971, Creating the Uniform Real Property Electronic Recording Act,

H. B. 2996, Relating to smoke detectors in one-and two-family dwellings,

And,

H. B. 3145, Removing the existing maximum quantities of beer that retailers can sell for off premises,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2513, H. B. 2548, H. B. 2971, H. B. 2996 and H. B. 3145) were each referred to the Committee on Finance.

Delegate Miley, 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. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions,

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

Com. Sub. for H. B. 2888 – "A Bill to amend and reenact §8-14-7 of the Code of West Virginia, 1931, as amended, relating to policemen's civil service commissions; authorizing commissioners to serve on other boards and commissions,"

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2952, Work Share West Virginia,

And,

H. B. 3112, Relating to compensation awards to victims of crimes,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2952 and H. B. 3112) were each referred to the Committee on Finance.

Delegate Miley, 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. 2512, Reforming the state Medicaid subrogation statute,

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

Com. Sub. for H. B. 2512 - "A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, all relating to state Medicaid subrogation; establishing definitions; establishing recipient assignment of subrogation rights against third parties; excluding Medicare benefits from assignment; authorizing release of information; prioritizing the department's subrogation right; establishing notice requirements for third party claims, civil actions and settlements; permitting the department to enter appearance in an action against a third party; establishing penalties for failure to notify the department; requiring consent to settle; establishing procedures for agreed allocation of award or judgment proceeds from third parties; establishing procedures when allocation is disputed; establishing procedures for jury trial; establishing post-trial payment procedures; establishing allocation of attorneys fees; prohibiting certain class actions and multiple plaintiff actions; and authorizing authority to settle,"

H. B. 2966, Relating to employment and privacy protection,

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

Com. Sub. for H. B. 2966 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5G-1, §21-5G-2 and §21-5G-3, all relating to employment and privacy protection; prohibiting an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through certain electronic communications devices; prohibiting an employer from taking or threatening to take, certain disciplinary actions for an employee's refusal to disclose certain password and related information; prohibiting an employer from failing or refusing to hire an applicant as a result of the applicant's refusal to disclose

certain password and related information; prohibiting an employee from downloading certain unauthorized information or data to certain Web sites or Web-based accounts; and providing that an employer is not prevented from conducting certain investigations for certain purposes, including gathering information needed for compliance with mandatory state or federal regulations,"

And,

H. B. 3086, Relating to juvenile services and criminal justice institutions,

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

Com. Sub. for H. B. 3086 - "A Bill to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §28-3-19, all relating to institutions managed by the division of corrections; transferring control of the Industrial Home for Youth to the Division of Corrections; renaming the Industrial Home for Youth as the Salem Correctional Center; and authorizing the Parkersburg Correctional Center as a institution managed by the Division of Corrections,"

With the recommendation that the committee substitutes each do pass.

MESSAGES FROM THE SENATE

A message from the Senate, by

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

Com. Sub. for S. B. 158 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4A-1, §17-4A-2 and §17-4A-3, all relating to creation of the

Complete Streets Act; adopting a complete streets policy applicable to all streets, roads and highways and other transportation infrastructure facilities under the jurisdiction of the Commissioner of Highways; providing for model complete streets policies for use by counties and municipalities; creating a Complete Streets Advisory Board; providing for reimbursement of mileage expenses of board members; and requiring annual reports"; 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 187 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to creating the Jobs Impact Statement Act; requiring that the West Virginia Development Office prepare a jobs impact statement when requested by the Governor or a majority of certain leaders of either house of the Legislature for certain proposed legislation; outlining the contents of the jobs impact statement; providing that this article does not affect the validity of legislation, restrict consideration of pending legislation or otherwise alter, amend or invalidate any rule of the Senate, the House of Delegates or joint rules of the Senate and House of Delegates; and describing the manner in which copies of the jobs impact statement shall be made available"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 336 - "A Bill to repeal §55-7-19 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2-25a; and to amend and reenact §29-12-5a of said code, all relating to establishing protocols and

protections to limit and treat injury to youth athletes and students; making legislative findings with respect to concussions; defining certain terms; requiring certain rules; setting forth certain minimum provisions of rules, including specifying procedure for prior approval; limiting civil liability in certain circumstances; and making certain technical changes"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 414 - "A Bill to amend and reenact §20-2-32 of the Code of West Virginia, 1931, as amended, relating to issuing hunting and fishing licenses; and clarifying who may be designated a license-issuing authority"; which was referred to the Committee on Natural Resources then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 440 - "A Bill to amend and reenact §11-10-5s of the Code of West Virginia, 1931, as amended, relating to disclosure of confidential taxpayer information; authorizing the disclosure of specified tax information by the Tax Commissioner to the Attorney General; authorizing the disclosure of specified tax information by the Attorney General to specified persons relevant to enforcement of Tobacco Master Settlement Agreement; authorizing the Tax Commissioner to enter into a written agreement with the State Auditor for disclosure of confidential tax information to the State Auditor to facilitate the State Auditor's participation in federal and state offset programs to collect unpaid taxes; and providing for protection and limited use of confidential information"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 445 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5bb, relating to the collection of taxes; requiring the Lottery Commission to offset certain lottery prizes against the state tax liabilities of the prize winner; providing limitations period; and authorizing an agreement between the Tax Department and the Lottery Commission for the purpose of establishing collection"; 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. 496 - "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof"; 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. 535 - "A Bill to repeal §3-2-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-3 of said code; and to amend and reenact §3-2-2, §3-2-4a, §3-2-18, §3-2-19, §3-2-21, §3-2-23, §3-2-25 and §3-2-29 of said code, all relating to the maintenance of voter registration lists and related records; making technical corrections and deleting obsolete references; updating and clarifying the persons entitled to vote; clarifying when a person under the age of eighteen may vote in a primary election; updating the

processes and responsibilities for statewide voter registration and clarifying county and state roles in the voter registration process; updating the processes of maintaining voter registration records; clarifying county roles in maintaining voter registration files for municipal elections; updating processes for the maintenance of records in the statewide voter registration database; permitting registration records to be shared across state lines pursuant to certain programs; updating processes for cancellation of deceased or ineligible voters' registrations; clarifying county and state roles in the systematic purging program for removal of ineligible voters from active voter registration records; and clarifying custody of paper and electronic voter registration records"; which was referred to the Committee on the Judiciary then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 538 - "A Bill to amend and reenact §48-27-601 of the Code of West Virginia, 1931, as amended, relating to disposition of domestic violence orders; and filing orders with the domestic violence database rather than law enforcement maintaining a confidential file"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 565 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10d, relating to the Purchasing Division; authorizing director to initiate a reverse auction pilot program for purchasing supplies, materials or equipment; outlining criteria for the director to consider in determining whether use of the reverse auction pilot

program is appropriate; defining 'reverse auction'; permitting third-party vendors to administer reverse auctions; rule-making authority to implement the reverse auction pilot program; and the reverse auction pilot program terminates on July 1, 2017"; 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. 584 - "A Bill to amend and reenact §62-11C-5 and §62-11C-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §62-11F-1, §62-11F-2, §62-11F-3, §62-11F-4 and §62-11F-5, all relating to authorizing community corrections programs to operate pretrial release program; permitting certain fees to be assessed to county commissions; permitting certain fees to be assessed to persons on pretrial release; stating applicability of pretrial release programs; establishing guidelines for pretrial release programs; providing for potential funding sources; requiring community pretrial committees to recommend release of certain persons facing criminal charges who are in regional jails prior to adjudication; and setting forth the duties of pretrial release programs"; which was referred to the Committee on the Judiciary.

SPECIAL CALENDAR

UNFINISHED BUSINESS

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

H. C. R. 79, The "Joe Curtis (Joey) Dingess Memorial Bridge",

H. C. R. 85, The "Carnie L. Spratt Memorial Bridge",

And,

H. C. R. 89, The "Navy AD3 Jack Lively Memorial Bridge".

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

H. C. R. 91, The "Platoon Sgt. Clifford Tomblin Highway, United States Army"; coming up in regular order, as unfinished business, was reported by the Clerk.

The question now being on the adoption of the resolution, Delegate Perdue demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 74**), 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 91) adopted.

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

THIRD READING

H. B. 2158, Relating to the provision of financially-related services by banks and bank holding companies; 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. 75**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Fragale, Paxton and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2158) 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. 2395, Relating to senior services; 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. 76)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2395) 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. 2453, Expanding the Amber Alert Plan; "SKYLAR'S LAW"; 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. 77)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2453) 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. 2543, Specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium

increases apply to increases attributable to the fire fighting service; 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. 78**), 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2543) passed.

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

On this question, the yeas and nays were taken (**Roll No. 79**), 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: Fragale and Raines.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2543) 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. 2652, Authorizing the Department of Administration to promulgate legislative rules; 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. 80**), and there were—yeas 93, nays 5, absent and not voting 2, with the absent and not voting being as follows:

NAYS: Andes, Howell, Lane, J. Nelson and Walters.

ABSENT AND NOT VOTING: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2652) passed.

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

On this question, the yeas and nays were taken **(Roll No. 81)**, and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Howell, Lane and Walters.

ABSENT AND NOT VOTING: Fragale and Raines.

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. 2652) 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. 2717, Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification; 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. 82)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2717) passed.

Delegate Boggs moved that the bill take effect July 1, 2013.

On this question, the yeas and nays were taken **(Roll No. 83)**, 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: Fragale and Raines.

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. 2717) takes effect July 1, 2013.

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

H. B. 2800, Relating to the Teachers' Retirement System; 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. 84)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2800) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2800 - "A Bill to amend and reenact §18-7A-3, §18-7A-14, §18-7A-17, §18-7A-23, §18-7A-25 and §18-7A-26 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §18-7A-14c, all relating to the Teachers' Retirement System; specifying the time period in which a participating public employer allocates and reports gross salary to the retirement board; including nonteachers within the definition of present member; defining retire and retirement; modifying the definition of

teacher member; providing for the correction of errors; requiring nonteachers to file a statement with the retirement board detailing the length of service being claimed for retirement credit; requiring that members granted prior service credit for qualified military service shall have been honorably discharged from active duty; providing for purchasing out of state service credit for members who transferred from the Teachers' Defined Contribution Retirement System; providing that a nonteaching member shall not be considered absent from service while serving as an officer with a statewide professional teaching association; requiring that members make written request to the retirement board to receive credit for service previously credited by the Public Employees Retirement System; providing that all interest paid or transferred on service credit from the Public Employees Retirement System be deposited in the reserve fund; providing that an inactive member may elect to receive an annuity at age sixty; providing that the sole primary beneficiary of a member is eligible for an annuity if the contributor was fifty years old with twenty-five years service; providing that a refund beneficiary shall receive the contributor's accumulated contributions up to the plan year of contributor's death; providing that a refund beneficiary shall be paid the Teachers' Defined Contribution Retirement System member contributions transferred plus the vested portion of employer contributions and any earnings; providing that an actively contributing member who is at least sixty years of age is eligible for an annuity; providing that any member who has thirty years of total service in the state as a nonteaching member is eligible for an annuity; specifying that anyone who becomes a new member on or after July 1, 2013, shall have five or more years of actual contributory service to qualify for retirement; providing that a nonteaching member who is fifty- five years of age and has served thirty years in the state is eligible for an annuity; providing that a nonteaching member is eligible for disability benefits; providing for the computation of a member's annuity; and providing for the commencement date of disability annuity benefits."

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. 2802, Relating to the Emergency Medical Services Retirement System; 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. 85)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2802) 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. 2809, Authorizing the Division of Corrections to implement a responsible parent program pilot project; 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. 86)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2809) 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. 2818, Relating to the Teachers' Defined Contribution Retirement System; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Boggs, and by unanimous consent, the bill was laid over.

H. B. 2822, Holding liable any participating public employer owing delinquent retirement contributions; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Boggs, and by unanimous consent, the bill was laid over.

Com. Sub. for H. B. 2945, Relating to the distribution of state funds to volunteer fire departments; 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. 87)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2945) passed.

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

On this question, the yeas and nays were taken **(Roll No. 88)**, 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: Fragale and Raines.

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. 2945) 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.

H. B. 2992, Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes; 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. 89)**, 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: Fragale and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2992) 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. 3013, Authorizing the establishment of job creation work groups; 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. 90)**, and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Butler, Folk, Howell, Kump and Sobonya.

ABSENT AND NOT VOTING: Fragale, McCuskey and Raines.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3013) 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

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. 2108, Making the offense of failure to wear safety belts a primary offense,

Com. Sub. for H. B. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund,

Com. Sub. for H. B. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision,

And,

H. B. 3158, Relating to legislative oversight of education system performance and progress.

FIRST READING

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

Com. Sub. for H. B. 2521, Relating to the West Virginia Contraband Forfeiture Act,

Com. Sub. for H. B. 2563, Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students,

Com. Sub. for H. B. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules,

Com. Sub. for H. B. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes,

Com. Sub. for H. B. 2778, Defining alternative nicotine products and electronic cigarettes,

H. B. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs,

H. B. 2859, Authorizing the Commissioner to issue no more than ten additional special demonstration plates used by new and used dealers of larger commercial type vehicles,

Com. Sub. for H. B. 2923, Relating to directors of state-chartered banking institutions,

H. B. 2956, Relating to resident brewers and brewpubs,

And,

Com. Sub. for H. B. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement.

REMARKS BY MEMBERS

Delegate Skinner addressed the House regarding H. B. 2856, Prohibiting discrimination based upon age or sexual orientation, and at the conclusion thereof, Delegate Caputo asked and obtained unanimous consent that said remarks be printed in the Appendix to the Journal.

Delegates Armstead, Boggs, Ellem, Espinosa, Fleischauer, Folk Guthrie, Howell, Lane, Marcum, Overington, Perdue, Sobonya, Swartzmiller, White and Williams addressed the House regarding the passage of H. B. 3013, Authorizing the establishment of job creation work groups, and at the conclusion thereof, Delegate Caputo asked and obtained unanimous consent that said remarks be printed in the Appendix to the Journal.

At 1:03 P.M., on motion of Delegate Boggs, the House of Delegates recessed until 5:00 P.M., and reconvened at that time.

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EVENING SESSION

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At the request of Delegate Boggs, 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 Morgan, 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. 2531, Relating to the practice of speech-language pathology and audiology,

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

Com. Sub. for H. B. 2531 - "A Bill to amend and reenact §30-32-1, §30-32-2, §30-32-3, §30-32-4, §30-32-5, §30-32-6, §30-32-7, §30-32-8, §30-32-9, §30-32-10, §30-32-11, §30-32-12, §30-32-13, §30-32-14, §30-32-15, §30-32-16, §30-32-17, §30-32-18, §30-32-19, §30-32-20, §30-32-21 and §30-32-23 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto two new sections, designated §30-32-22 and §30-32-24, all relating to the Board of Examiners of Speech-language Pathology and Audiology; setting forth unlawful acts; providing exemptions; specifying applicability of other law; providing definitions; continuing the Board of Examiners for Speech-Language Pathology and Audiology; specifying qualifications of board members; providing terms and conditions of board members' service; providing for election of board officers; providing for compensation and expense reimbursement of board members; setting forth powers and duties of the board; providing rule-making authority; continuing the board of Examiners for Speech-Language Pathology and Audiology Fund; providing qualifications for practicing speech-language pathology or audiology; providing for provisional licenses to practice while attaining required postgraduate professional experience; providing for waiver of requirements for persons who hold a license from another state with substantially equivalent standards; providing for practice pending

disposition of application; providing scopes of practice for speech-language pathology and audiology; requiring speech-language pathology assistants and audiology assistants to register with the board; providing registration and supervision requirements for speech-language pathology assistants and audiology assistants; authorizing telepractice; providing conditions and requirements for telepractice; providing for renewal of licenses and registrations; providing for renewal of lapsed licenses and registrations; providing for the suspension, revocation and refusal to renew licenses and registrations; providing for the reinstatement of revoked licenses and registrations; authorizing actions to enjoin violations; providing for the investigation of complaints; setting forth complaint procedures and hearing procedures; establishing grounds for disciplinary actions; providing for rights of appeal and judicial review; providing that a single act is sufficient to justify disciplinary action; providing for criminal proceedings; providing for criminal penalties; and requiring the Legislative Auditor to present a report to the Joint Standing Committee on Government Organization on the requirements for Speech-Language Pathologists, Audiologists and Assistants to practice in public schools,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2531) to the Committee on the Judiciary was abrogated.

Delegate Miley, 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. 2550, Adding criminal offense of receiving materials depicting minors in sexually explicit conduct,

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

Com. Sub. for H. B. 2550 - "A Bill to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to crimes; distribution and exhibiting of material depicting minors in sexually explicit conduct; creating an enhanced felony offense and penalty for possessing, receiving or distributing more than five hundred separate files and materials containing digital, photographed or video images depicting minors in sexually explicit conduct; providing enhanced criminal penalties when the offender was previously convicted of a sexual offense when the victim was a child; and establishing criminal penalties for second or subsequent violations,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2550) to the Committee on Finance was abrogated.

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

Your Committee on Agriculture has had under consideration:

H. B. 3062, Removing the cap for collections into the land division special revenue account of the Department of Agriculture,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3062) was referred to the Committee on Finance.

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

Your Committee on Agriculture has had under consideration:

H. B. 2399, Protecting livestock in dire or extreme condition,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2399) was referred to the Committee on the Judiciary.

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

Your Committee on Agriculture has had under consideration:

S. B. 412, Relating to removal of elected county conservation district supervisors from office,

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

In accordance with the former direction of the Speaker, the bill (S. B. 412) was referred to the Committee on the Judiciary.

Delegate Guthrie, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2383, Relating generally to requiring health insurance coverage of maternity and contraceptive services in certain circumstances,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2383) was referred to the Committee on the Judiciary.

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

Your Committee on Pensions and Retirement has had under consideration:

H. B. 2469, Increasing the cap on earnings during temporary reemployment after retirement,

And,

H. B. 2275, Reinstating service credit to certain members of the Public Employees Retirement System,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2469 and H. B. 2275) were each referred to the Committee on Finance.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

S. B. 571, Extending time Oceana City Council can meet as levying body,

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

In accordance with the former direction of the Speaker, the bill (S. B. 571) was referred to the Committee on Finance.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 3065, Transferring land located in the Western District, Taylor County, West Virginia, from the State of West Virginia to the Taylor County Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3065) was referred to the Committee on the Judiciary.

Delegate Hunt, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 3124, Relating to floodplain and mudslide area management,

And,

H. B. 3024, Granting county commissions advice and consent authority with respect to the discharge of county employees,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3124 and H. B. 3024) were each referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 3058, Relating to the valuation of motor vehicles for purposes of ad valorem property taxes,

And,

S. B. 446, Conforming motor fuel taxes with International Fuel Tax Agreement,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3058 and S. B. 446) were each referred to the Committee on Finance.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 3021, Relating to operating a bicycle or overtaking a bicycle on a roadway,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3021) was referred to the Committee on the Judiciary.

Delegate Staggers, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2868, Relating to daily passenger rental car business,

And,

H. B. 2990, Relating to insurance or other security required for registration or operation of a motor vehicle,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2868 and H. B. 2990) were each referred to the Committee on the Judiciary.

Delegate Poling, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2954, Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2954) was referred to the Committee on Finance.

Delegate Skaff, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2128, Providing that all employees have the right to review and copy the contents of their personnel file,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2128) was referred to the Committee on the Judiciary.

Delegate Skaff, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 2129, Permitting the transfer of tax credits for the purchase of alternative-fuel vehicles,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2129) was referred to the Committee on Finance.

Delegate Poling, Chair of the Committee on Energy, Industry and Labor, Economic Development and Small Business, submitted the following report, which was received:

Your Committee on Energy, Industry and Labor, Economic Development and Small Business has had under consideration:

H. B. 3072, West Virginia Coal Employment Enhancement Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3072) was referred to the Committee on Finance.

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Fragale and Raines.

At 5:09 P.M., the House of Delegates adjourned until 11:00 A.M., Thursday, March 28, 2013.

THURSDAY, MARCH 28, 2013

FORTY-FOURTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 27, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

Delegates Guthrie, Perdue, Marshall, Poore, L. Phillips, Reynolds, D. Poling, Iaquinta, Craig and Skaff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 105 - "Requesting the Joint Committee on Government and Finance study the necessity of hiring additional fraud investigators for the Department of Health and Human Resources and the Medicaid Fraud Control Unit and where those investigators should be located."

WHEREAS, The Legislature desires to provide the citizens of this state with cost controls and reviews of tax expenditures; and

WHEREAS, A need exists to analyze the benefits of having additional fraud investigators within the Office of Inspector General

for the purpose of conducting and supervising investigations for the programs of the Department of Health and Human Resources and the Medicaid Fraud Control Unit; and

WHEREAS, A need exists to determine where those fraud investigators should be located and how many investigators should be assigned to each location; and

WHEREAS, The Legislature needs to examine the effect of additional fraud investigators at different locations, taxpayer spending and potential taxpayer savings; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the necessity of hiring additional fraud investigators for the Department of Health and Human Resources and the Medicaid Fraud Control Unit and where those investigators should be located; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, 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 Walters, Andes, Craig, R. Smith, Moye, Faircloth, Cadle, E. Nelson, Sobonya, Mr. Speaker, Mr. Thompson, Ambler, Anderson, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Campbell, Canterbury, Caputo, Cooper, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Householder, Hunt, Iaquinta, Ireland, Jones, Kump, Lane,

Lawrence, Longstreth, Lynch, Manchin, Marcum, Marshall, Miley, Miller, Moore, Morgan, J. Nelson, O'Neal, Overington, Pasdon, Paxton, Perdue, Pethtel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Raines, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Wells, Westfall, White, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 106 - "Requesting the Division of Highways to place and maintain markers at a trail of specific sites in West Virginia representing the locations photographed by O. Winston Link to highlight and celebrate the Norfolk and Western Railroad steam engine heritage in West Virginia and to name the trail of sites the 'O. Winston Link Trail'."

WHEREAS, In the early 1890's, the Norfolk and Western Railroad ("N&W") started its most ambitious project, a 191-mile route of wood and steel, winding its way through the wilds of West Virginia and involving fifteen contractors, five thousand men and a multitude of mules, oxen and horses; and

WHEREAS, On September 22, 1892, the one hundred ninety-one mile route, which began at two ends, one at Bluefield and, the other, at Kenova along the Ohio River, was joined at four o'clock P.M. near Hatfield, West Virginia; and

WHEREAS, Several members of the Hatfield family held timber contracts to supply crossties for the N&W's roadbed on the southern tracks of the one hundred ninety one-mile route which was joined near Hatfield; and

WHEREAS, With the opening of this rail line, N&W turned its energies to developing coal traffic; and

WHEREAS, Hauling coal was one of Norfolk & Western's main jobs, and, quoting from the text of a book containing photographs of O.

Winston Link, "It has been said that Norfolk & Western could abandon every mile of track except for that between Bluefield and Kenova and still turn a profit"; and

WHEREAS, Since coal is such a heavy commodity, the main lines laid in West Virginia were much heavier than the industry average containing fifteen inches of limestone with rail weighing one hundred thirty-one pounds per yard in that anything less, when transporting West Virginia coal, wouldn't wear on the curves; and

WHEREAS, Norfolk & Western also ran passenger trains through West Virginia including one running through Welch, the finest of N&W's passenger fleet, recognized by many as "America's Finest Train", named the Powhatan Arrow, known locally as the "Powtan"; and

WHEREAS, Generations of West Virginia families and entire West Virginia families worked for the Norfolk and Western Railroad including, for example, six brothers of Peterstown, West Virginia, the "Spangler Brothers"; and

WHEREAS, The Norfolk & Western was much more than just a railroad in the coal camps of West Virginia but were part and parcel of daily lives, as much a part of day-to-day life as saying grace and "I hear Number Four blowin', girls, better finish your breakfast, and get on off to school"; and

WHEREAS, Unspoken communication existed between train crews and those who lived along the tracks in the hills of West Virginia, whether it be a wave from a friendly engineer or two flicks of a porch light answered by a playful whistle; and

WHEREAS, West Virginians and train crews took care of each other; and

WHEREAS, Train crews left lineside phone boxes unlocked so that inhabitants of isolated areas would have access to communication in emergencies; and

WHEREAS, Appalachians residing by tracks alerted the train crews to unnoticed problems on the train: a rubbing of hands to communicate a stuck brake, a holding of the nose to alert to a hot box; and

WHEREAS, Norfolk & Western was a good neighbor in the region it served which included, in addition to West Virginia, Maryland, Virginia, N. Carolina, Kentucky and Ohio, promoting the area as "The Land of Plenty" with huge potential for industry and growth; and

WHEREAS, In most counties along its route, the Norfolk & Western was the largest taxpayer; and

WHEREAS, Prior to the N&W, Bluefield was an azure-flowered meadow and Williamson, a patch of corn; and

WHEREAS, During the Norfolk & Western's steam engine history in West Virginia, the railways maintained the largest coal marshalling yards in the world, a roundhouse and supporting shop facilities at Williamson, West Virginia, described in the book containing O. Winston Link's photographs as "Williamson. Dirty, filthy, gritty, Norfolk & Western born and bred, Williamson. Now *there* was a railroad town"; and

WHEREAS, In Williamson, a railroader received as much respect as a judge, minister or doctor; and

WHEREAS, In 1949, N&W bore seven thousand fifty-two feet through Elkhorn Mountain, in Hardy County, West Virginia, which was, at the time, the longest double track tunnel in the world; and

WHEREAS, Photographer O. Winston Link developed a passion for the rail road and, specifically, for the steam engine powered locomotive, which, by the late 1950's, was rapidly disappearing from the American scene; the days of using fire and heat water as a method of moving trains was quickly coming to a close; and

WHEREAS, In the mid-1950's, O. Winston Link met with the 'President of Norfolk & Western, R. H. Smith, for final approval of a

photography project that would capture the nocturnal drama of steam railroading; and

WHEREAS, O. Winston Link rode vestibules of trains all over the railroad, plotting locations and taking notes, knowing that time was of the essence for the last stronghold of steam power, southern West Virginia, was about to receive its first diesels; and

WHEREAS, O. Winston Link memorialized, in his photography, several sites in West Virginia where the steam powered railroad cars once traveled frequently; and

WHEREAS, The sites memorialized by O. Winston Link include the Swimming pool at Camp Joy at Ada, West Virginia; the Locomotive Facility at Bluefield, West Virginia; Main Street at North Fork, West Virginia; the Drive-In at Iaeger, West Virginia; the Station at Panther, West Virginia; the Swimming Pool at Welch, West Virginia; the Cavalier leaving town at Williamson, West Virginia; the Mingo Tunnel at Williamson, West Virginia; the Massey Mine at Gilbert, West Virginia; and the Pigeon Creek Shifter at Kermit, West Virginia; and

WHEREAS, In light of Norfolk & Western's significant contributions to West Virginia and O. Winston Link's passionate, skillful and dedicated acts to preserve this history which looms large in West Virginia's progress, it is fitting that a trail way of sites photographed of the great steam engine stations and sites be marked, identified and collectively called the O. Winston Link Trail; therefore, be it

Resolved by the Legislature of West Virginia:

That there is hereby established the O. Winston Link Trail, a heritage trail of sites photographed by O. Winston Link, to highlight and celebrate West Virginia's railroad heritage; and, be it

Further Resolved, That the O. Winston Link Trail consist of the following sites: Swimming Pool at Camp Joy at Ada, West Virginia;

the Locomotive Facility at Bluefield, West Virginia; Main Street at North Fork, West Virginia; the Drive-In at Iaeger, West Virginia; the Station at Panther, West Virginia; the Swimming Pool at Welch, West Virginia; the Cavalier Leaving Town at Williamson, West Virginia; the Mingo Tunnel at Williamson, West Virginia; the Massey Mine at Gilbert, West Virginia; and the Pigeon Creek Shifter at Kermit, West Virginia; and, be it

Further Resolved, That the Division of Highways is requested to place and maintain appropriate markers directing travelers to each of these sites; and, be it

Further Resolved, That the Division of Highways will place signs, in bold and prominent lettering, at both the beginnings and ends of the trail, the "O. Winston Link Trail"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and a copy to the O. Winston Link Museum in Roanoke, Virginia.

Delegates Reynolds, Mr. Speaker, Mr. Thompson, Barill, Barrett, Boggs, Campbell, Caputo, Craig, Diserio, Eldridge, Ferns, Ferro, Fleischauer, Guthrie, Hartman, Hunt, Iaquinta, Jones, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miley, Moore, Morgan, Moye, Paxton, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Skaff, Skinner, P. Smith, Sponaugle, Staggers, Stephens, Stowers, Swartzmiller, Tomblin, Walker, Wells, White, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 107 - "Expressing support for the President's proposal to increase the minimum wage to $9 per hour from $7.25 per hour."

WHEREAS, When the federal minimum wage was signed into law in 1938 by President Franklin Roosevelt, its stated purpose was to keep

America's workers out of poverty, and increase consumer purchasing power in order to stimulate the economy; and

WHEREAS, The current federal minimum wage level has not been raised since 2009; and

WHEREAS, There is no regular cost-of-living-adjustment for federal minimum wage and because of inflation a dollar today isn't worth what it used to be; and

WHEREAS, The total rate of inflation between 2009 and 2013 has been 7.3 percent; and

WHEREAS, In 1968 the federal minimum wage was $1.60 per hour, which would be approximately $10.27 in today's dollars; and

WHEREAS, An increase in the minimum wage would boost the wages of an estimated fifteen million low-income workers; and

WHEREAS, In the wealthiest nation on earth, no one who works full time should have to live in poverty; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature calls on the United States Congress to enact President Obama's proposed minimum wage increase to $9 per hour; and, be it

Further Resolved, That the Clerk of the House of Delegates, forward a certified copy of this resolution to the United States Congress.

Delegates Perdue, Mr. Speaker, Mr. Thompson, Ambler, Anderson, Barrett, Border, Cowles, Craig, Diserio, Eldridge, Ellington, Ferro, Manchin, Marcum, Moore, Moye, Paxton, Perry, Pethtel, L. Phillips, Pino, D. Poling, M. Poling, Raines, Rowan, Skinner, P. Smith, Walker, White and Williams offered the following resolution, which was read by the Clerk as follows:

H. R. 29 - "Designating March 28, 2013, as 'WV Kids at-Risk Day' at the Legislature."

WHEREAS, The State of West Virginia and the West Virginia Child Care Association ("WVCCA") have some of the best child welfare professionals and agencies in the country; and

WHEREAS, These child welfare professionals and agencies have dedicated their time to making life better for West Virginia's children who are at-risk; and

WHEREAS, These West Virginia professionals and agencies have a compassion that never ends, a hope for a better tomorrow and a dedication to their efforts through the long haul; and

WHEREAS, These West Virginia professionals and agencies work with West Virginia's child welfare stakeholders to eliminate policy barriers and day-to-day practices that reduce the effective utilization of in-state resources; and

WHEREAS, Our State's child welfare professionals and agencies do everything possible to provide opportunities for West Virginia's kids at risk to receive care in West Virginia where they can remain in their communities, with their families and connected to their support systems; and

WHEREAS, These professionals and agencies are regulated by the State of West Virginia through legislation and by oversight of the West Virginia Department of Health and Human Resources and West Virginia Department of Education; and

WHEREAS, Our State's stringent licensing requirements and standards of care ensure that children at risk in West Virginia are receiving the best quality of care; and

WHEREAS, By using West Virginia child welfare professionals and agencies our State is doing what is best for WV's kids at risk, and their families; and

WHEREAS, These West Virginia child care professionals and agencies advocate for and deliver services and support to provide for the safety, well-being and opportunity for kids-at-risk to achieve their hopes and dreams; and

WHEREAS, These professionals and agencies provide family driven, youth guided, culturally competent and trauma informed care for the citizens of West Virginia; and

WHEREAS, The West Virginia professionals who care for the at-risk children in our State and the organizations that exist to impact the lives of these children and their families, provide quality care in the kids' and families' communities; and

WHEREAS, This quality care is provided in a variety of settings including community agencies, hospitals, residential group homes, foster families, emergency shelters, community and educational institutions and seeks to provide resources and guidance that promotes the safety, well-being and permanency of West Virginia's at-risk kids; and

WHEREAS, West Virginia's child welfare providers dedicate themselves to excellence in their profession through licensing, advocacy, education and professional development; and

WHEREAS, The West Virginia House of Delegates recognizes and appreciates the outstanding dedication, devotion and care of West Virginia's child welfare professionals and agencies and of the West Virginia Child Care Association for their caring, commitment and for making a difference in the lives of at-risk children in the State of West Virginia, their families and communities; therefore, be it

Resolved by the House of Delegates:

That the House hereby designates March 28, 2013, as "WV Kids at-Risk Day" at the Legislature; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to all the appropriate officials including those representing the West Virginia Child Care Association.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 29) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

COMMITTEE REPORTS

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 49, The "Delegate Larry Border Memorial Bridge",

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

Com. Sub. for H. C. R. 49 – "Requesting the Division of Highways to rename the new South Mineral Wells bridge, bridge number 54.14-6.93, over Tygart Creek on County 54, Route 14, near Mineral Wells, Wood County, the 'Larry W. Border Memorial Bridge'."

With the recommendation that the committee substitute be adopted.

Mr. Speaker, Mr. Thompson, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

S. C. R. 8, Requesting DOH name portion of Route 38 in Fayette County "Sizemore Moran Veterans Memorial Road",

And reports the same back with the recommendation that it be adopted.

Delegate Miley, 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. 2776, Increasing certain filing fees in certain civil actions,

And,

H. B. 2840, Relating to valuation and assessment of property for ad valorem property taxation,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2776 and H. B. 2840) were each referred to the Committee on Finance.

Chairman Perdue, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 3055, Requiring an extended deductible period for insurance equal to the plan year plus two additional months.

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

In accordance with the former direction of the Speaker, the bill (H. B. 3055) was referred to the Committee on Finance.

Chairman Perdue, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 3108, Relating generally to nursing homes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3108) was referred to the Committee on the Judiciary.

MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and requested the concurrence of the House of Delegates in the passage, of

S. B. 10 - "A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-4-21 of said code; and to amend and reenact §30-14-12a of said code, all relating to the Board of Medicine, Board of Dental Examiners and the Board of Osteopathy; and permitting the boards to independently initiate disciplinary proceedings in certain"; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and request the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 80 - "A Bill to amend and reenact §18-5-32 of the Code of West Virginia, 1931, as amended, relating to including

substitute teaching in the job duties of certain professional educators employed by county boards of education in certain administrative and supervisory"; which was referred to the Committee on Education.

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. 243 - "A Bill to amend and reenact article 3, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Environmental Protection; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to covered electronic devices recycling; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste administrative proceedings and civil penalty assessment; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to horizontal well development; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental

Protection to promulgate a legislative rule relating to the control of air pollution from the combustion of solid waste; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to water pollution control permit fee schedules; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES regulations for coal mining facilities"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 265 - "A Bill to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Health and Human Resources; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative

rules in the form that the rules were filed in the State Register and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to reportable diseases, events and conditions; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to general sanitation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Grade A pasturized milk; authorizing the Department of Health and Human Resources to promulgate a Legislative rule relating to fees for services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pulse oximetry newborn testing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the regulation of opioid treatment programs; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Health Care Authority to promulgate a legislative rule relating to the West Virginia Health Information Network; and authorizing the Bureau of Senior Services to promulgate a legislative rule relating to the in-home care worker registry"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2013, and request the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 384 - "A Bill to amend and reenact §49-5-2 of the Code of West Virginia, 1931, as amended, relating to juvenile proceedings; increasing the number of certified legal education credits required to serve as a court-appointed attorney in juvenile cases; and

providing for appointment of an attorney where no attorney who has completed the credits is available"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 429 - "A Bill to amend and reenact §16-5O-2 of the Code of West Virginia, 1931, as amended, relating to removing an adult family care home from the definition of a 'facility' for the purposes of the Medication Administration by Unlicensed Personnel Act"; which was referred to the Committee on Health and Human 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. 469 - "A Bill to amend and reenact §5-10-14 and §5-10-18 of the Code of West Virginia, 1931, as amended, all relating to service credit; retroactive service credit; and reinstatement interest in the Public Employees Retirement System"; which was referred to the Committee on Pensions and Retirement then 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

Com. Sub. for S. B. 570 - "A Bill to repeal §3-1-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-1-2a, §3-1-4, §3-1-21, §3-1-21a, §3-1-22, §3-1-26, §3-1-32, §3-1-36, §3-1-37, §3-1-38, §3-1-39, §3-1-42 and §3-1-49 of said code, all relating to clarifying language in article one, chapter three of the

West Virginia Code; updating, removing or repealing outdated language; adjusting absentee ballot delivery requirement to meet federal and state code; adjusting certain provisions regarding disorder at polls; and clarifying that the Office of the Secretary of State shall hold a certain election training once every two years"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 658 - "A Bill to extend the time for the city council of the City of Madison, Boone County, to meet as a levying body for the purpose of presenting to the voters of the city an election to supplement current funds for the city police department, the city street department, recreation and for general government and for the purpose of paying all costs incurred in the laying of this additional levy from between March 7 and March 28 and the third Tuesday in April until May 31, 2013"; which was referred to the Committee on Political Subdivisions then Government Organization.

MOTIONS

Pursuant to House Rule 82, Delegate Ellington moved that the Committee on the Judiciary be discharged from further consideration of **H. B. 2527**, Creating a drug testing program for applicants and recipients of temporary assistance for needy families cash benefits.

Delegate Boggs moved that the motion to Discharge lie over, and on this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 91)**, and there were—yeas 52, nays 46, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Folk, Frich, Gearheart, Hamilton, Hamrick, Householder, Howell, Ireland, Kump, Lane, McCuskey, Miller, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Raines, Romine, Rowan, Shott, R. Smith, Sobonya, Storch, Sumner, Walters and Westfall.

ABSENT AND NOT VOTING: Fragale and Marshall.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed. Action on the motion to Discharge will lie over as Unfinished Business.

SPECIAL CALENDAR

UNFINISHED BUSINESS

H. R. 9, Calling upon the United States Congress to propose a constitutional amendment overturning the Supreme Court's United v. Federal Election Commission ruling and related cases; coming up in regular order, as unfinished business, was reported by the Clerk.

On motion of Delegate Armstead the resolution was amended on page two, line sixteen, following the word "corporations", by inserting the words "and unions".

The question now being on the adoption of the resolution, Delegate Boggs demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 92)**, and there were—yeas 60, nays 39, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Border, Butler, Cadle, Cooper, Cowles, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Folk, Frich, Gearheart, Hamrick, Householder, Howell, Ireland, Kump, Lane, McCuskey, E. Nelson, J. Nelson,

O'Neal, Overington, Pasdon, Raines, Romine, Rowan, Shott, R. Smith, Storch, Sumner and Walters.

ABSENT AND NOT VOTING: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 9) adopted.

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

H. C. R. 92, The "Army Corporal Randell Maynard Bridge",

H. C. R. 96, The "Army Sgt. Paul Witman Carroll Memorial Bridge",

And,

S. C. R. 14, Requesting DOH name portion of State Route 20 in Upshur County "Thomas B. Dunn Memorial Highway".

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

THIRD READING

Com. Sub. for H. B. 2108, Making the offense of failure to wear safety belts a primary offense; 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. 93)**, and there were—yeas 55, nays 44, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Andes, Armstead, Ashley, Barrett, Border, Butler, Cadle, Canterbury, Caputo, Espinosa, D. Evans, Faircloth, Folk, Frich,

Gearheart, Hamrick, Householder, Howell, Kump, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, Miller, Moore, J. Nelson, Overington, R. Phillips, Poore, Shott, Skinner, R. Smith, Sobonya, Sponaugle, Tomblin, Walters, Westfall, White, Williams and Young.

ABSENT AND NOT VOTING: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2108) 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. 2519, Relating to reallocation and repatriation of certain funds to the General Revenue Fund; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 94)**, 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: Fragale and Romine.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2519) passed.

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

On this question, the yeas and nays were taken **(Roll No. 95)**, 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: Fragale and Romine.

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. 2519) 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. 2913, Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision; 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. 96**), 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2913) 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. 3158, Relating to legislative oversight of education system performance and progress; 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. 97**), 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: Fragale.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3158) 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

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. 2521, Relating to the West Virginia Contraband Forfeiture Act,

Com. Sub. for H. B. 2563, Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students,

Com. Sub. for H. B. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules,

Com. Sub. for H. B. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes,

Com. Sub. for H. B. 2778, Defining alternative nicotine products and electronic cigarettes,

H. B. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs,

Com. Sub. for H. B. 2923, Relating to directors of state-chartered banking institutions,

H. B. 2956, Relating to resident brewers and brewpubs,

And,

Com. Sub. for H. B. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement.

FIRST READING

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

Com. Sub. for H. B. 2512, Reforming the state Medicaid subrogation statute,

Com. Sub. for H. B. 2531, Relating to the practice of speech-language pathology and audiology,

Com. Sub. for H. B. 2550, Adding criminal offense of receiving materials depicting minors in sexually explicit conduct,

Com. Sub. for H. B. 2571, Relating to who may serve as members of the environmental quality board,

Com. Sub. for H. B. 2759, Relating to standards for emergency medical service personnel,

Com. Sub. for H. B. 2766, Creating the "West Virginia Winner" program,

Com. Sub. for H. B. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions,

Com. Sub. for H. B. 2940, Relating to regional meetings among certain officials of county boards of education,

Com. Sub. for H. B. 2966, Relating to employment and privacy protection,

Com. Sub. for H. B. 3086, Relating to juvenile services and criminal justice institutions,

H. B. 3104, Authorizing certain legislative rules regarding higher education,

And,

H. B. 3159, Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems.

REMARKS BY MEMBERS

Delegate Manypenny asked and obtained unanimous consent that the remarks of Delegate Fleischauer on yesterday regarding H. B. 2856, Prohibiting discrimination based upon age or sexual orientation, be printed in the Appendix to the Journal.

Delegate Fleischauer asked and obtained unanimous consent that the remarks of Delegate Manypenny on yesterday regarding Marcellus Shale, be printed in the Appendix to the Journal.

Delegate Kump addressed the House regarding Com. Sub. for H. B. 2108, Making the offense of failure to wear safety belts a primary offense, and at the conclusion thereof, Delegate Frich asked and obtained unanimous consent that such remarks be printed in the Appendix to the Journal.

At 1:11 P.M., on motion of Delegate Boggs, the House of Delegates recessed until 5:00 P.M., and reconvened at that time.

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EVENING SESSION

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At the request of Delegate Boggs, 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 Morgan, 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. 2606, Permitting the State Rail Authority to set the salary of the executive director,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2606) was referred to the Committee on Finance.

Delegate Morgan, 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. 3028, Expanding the number of hours temporary state personnel may work in a calendar year,

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

In accordance with the former direction of the Speaker, the bill (H. B. 3028) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2470, Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2470) was referred to the Committee on Finance.

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

By Delegates Walker, Stowers, Barill, Cooper, Campbell, Lawrence, Young, Tomblin, Hamrick, Espinosa and Westfall:

H. B. 3160 - "A Bill to amend and reenact §18-5-11 of the Code of West Virginia, 1931, as amended; to further amend said code by adding thereto a new section, designated §18-5-11a; and to further amend said code by adding thereto a new section, designated §18-5A-2a, all relating to joint establishment, maintenance and operation of school by two or more adjoining counties; requiring formal agreement for apportionment of acquisition costs; providing for operating costs; providing net enrollment adjustment for certain costs; providing for joint governing partnership board pilot initiative; making findings with respect to pilot initiative and purpose; establishing limitation and condition; providing features of partnership board; authorizing adoption of separate and requests of waivers; providing for modifications to local school improvement council membership for jointly established school; providing for modifications to local school improvement council membership for jointly attended school under certain conditions; and aligning authority of improvement council for proposing alternatives and requesting waivers".

Delegate Miley, 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. 2866, Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet,

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

Com. Sub. for H. B. 2866 - "A Bill to amend and reenact §20-2-58 of the Code of West Virginia, 1931, as amended, relating to the prohibited discharge of firearms in proximity to buildings, public roads and crowds; providing a limited and conditional exception to allow a resident of a dwelling house, and his or her authorized guest, to discharge a firearm in a lawful manner within five hundred feet of the dwelling house where the resident lives, subject to certain conditions; conditions giving rise to exception; increasing the distance between where a person is permitted to discharge a firearm in relation to a school or church; and establishing misdemeanor criminal penalties for violations,"

H. B. 2938, Establishing fair trade practices for court reporters,

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

Com. Sub. for H. B. 2938 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto five new sections, designated §47-25-1, §47-25-2, §47-25-3, §47-25-4 and §47-25-5, all relating to the establishment of standards for court reporters and entities that provide court reporting services; providing certain conduct by court reporters and persons utilizing court reporters; establishing transcript format standards; exempting certain reporters and reporting services; authorizing disclosure of certain information on certain practices; and creating civil penalties for violations of this article; and creating right to treble damages,"

And,

H. B. 3135, Relating generally to voting system certification and procedures at the central counting center,

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

Com. Sub. for H. B. 3135 - "A Bill to amend and reenact §3-4A-2, §3-4A-8, §3-4A-23 and §3-4A-27 of the Code of West Virginia, 1931, as amended, all relating generally to electronic voting systems; updating and clarifying the definitions related to electronic voting systems; updating language related to approval of electronic voting systems; correcting internal references; updating and clarifying language related to proceedings at the central counting center,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2727, Relating to the school aid formula,

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

Com. Sub. for H. B. 2727 - "A Bill to amend and reenact §18-9A-7 and §18-9A-8a of the Code of West Virginia, 1931, as amended, all relating to the school aid formula generally; adjusting the foundation school program allowance for transportation costs by restricting the ten percent additional percentage allowance for alternative fuel vehicles to school buses using compressed natural gas; providing for phased reduction of additional percentage for bio-diesel as an alternative fuel; and adjusting the foundation allowance by reducing the maximum allocation for regional education service agencies,"

And,

H. B. 2979, Relating to broadband deployment projects,

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

Com. Sub. for H. B. 2979 - "A Bill to amend and reenact §31-15C-2, §31-15C-4, §31-15C-8, §31-15C-9 and §31-15C-10 of the Code of West Virginia, 1931, as amended, all relating to the actions of the broadband deployment council generally; modifying the minimum data rates and other components of the definition of the terms 'broadband' and 'broadband service'; modifying and adding other definitions; requiring annual reports to the Legislature; providing that the council's public outreach and education efforts extend beyond unserved areas; revising the council's guidelines on requests for funding assistance; requiring projects for broadband service involving the construction of a network to meet the revised definition of 'broadband service' and 'broadband' before being approved; revising the criteria for funding assistance applications; modifying the application process for project assistance; and revising notice and publication requirements,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act,

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

Com. Sub. for H. B. 2716 - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Fairness in Competitive Bidding Act; defining 'state spending units'; lowering the threshold amount from $500,000 to $250,000 for triggering a low bidder's duty to submit a list of subcontractors on state spending unit contracts; and to further modify reporting for the subcontractor list,"

And,

H. B. 3145, Removing the existing maximum quantities of beer that retailers can sell for off premises,

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

Com. Sub. for H. B. 3145 - "A Bill to amend and reenact §11-16-9 of the Code of West Virginia, 1931, as amended, relating to sales of nonintoxicating beer; and removing the existing maximum quantities of beer that retailers can sell for off premises consumption,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2954, Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature,

And,

H. B. 3043, Including methane monitoring equipment as eligible safety equipment for tax credit purposes,

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

LEAVES OF ABSENCE

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

At 5:08 P.M., the House of Delegates adjourned until 11:00 A.M., Friday, March 29, 2013.

FRIDAY, MARCH 29, 2013

FORTY-FIFTH DAY

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

The House of Delegates met at 11:00 A.M., and was called to order by the Honorable Rick Thompson, 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 28, 2013, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introduction of resolutions.

RESOLUTIONS INTRODUCED

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

H. C. R. 108 - "Requesting the Division of Highways to name the bridge on County Route 3, Crawley Creek Road, Logan County, bridge number 23-3-4.31, the 'Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge'."

WHEREAS, Tommy Joe Belcher was born on September 12, 1939, the son of Lee and Gertie Belcher; and

WHEREAS, Tommy Joe Belcher was raised in the Crawley Creek area of Logan County near Chapmanville and attended Logan County schools; and

WHEREAS, Tommy Joe Belcher entered the Army in 1964 and served with the 140th Transportation Detachment, 117th Assault Helicopter Company, 52nd Aviation Brigade, MACV at Qui Nhon, Republic of Vietnam; and

WHEREAS, Specialist Fourth Class Tommy Joe Belcher was killed in Vietnam on February 10, 1965, when the Viet Cong blew up an American enlisted men's temporary billets in Qui Nhon City, killing him and at least twenty-two other U.S. soldiers; and

WHEREAS, Specialist Fourth Class Tommy Joe Belcher was awarded the Purple Heart, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal, Meritorious Unit Commendation and Vietnam Gallantry Cross Unit Citation; and

WHEREAS, On that fateful day in February 1965, Specialist Fourth Class Tommy Joe Belcher gave his last full measure of devotion to his country and to his comrades-in-arms; and

WHEREAS, It is only fitting and proper that this bridge on Crawley Creek Road be named for Specialist Fourth Class Tommy Joe Belcher, and that it henceforth stand as a memorial to honor his supreme sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name the bridge on County Route 3, Crawley Creek Road, Logan County, bridge number 23-3-4.31, the "Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made, and be placed, signs identifying the bridge as the "Army Specialist Fourth Class Tommy Joe Belcher Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation and to the surviving family of Tommy Joe Belcher.

Delegates Shott, Gearheart, Householder, Cadle, Ellington, Manchin, Fleischauer, Eldridge, Ambler, Anderson, Arvon, Barrett, Border, Campbell, Canterbury, D. Evans, Folk, Guthrie, Hamrick, Hartman, Howell, Lawrence, Lynch, Miller, Moore, Moye, E. Nelson, J. Nelson, Pasdon, Perry, R. Phillips, Raines, Reynolds, P. Smith, Sponaugle, Sumner, Tomblin, Walters and Wells offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 109 - "Requesting the Legislature establish a Joint Legislative Committee on Public Service Commission Accountability and Effectiveness for the purpose of studying the accountability and effectiveness of the Public Service Commission and proposing legislation consistent with the committee's findings".

WHEREAS, Rising utility costs continue to consume a greater portion of the incomes of West Virginians and act as an impediment to economic development; and

WHEREAS, The Public Service Commission was created not only to regulate and ensure the availability of public utilities, but also to protect the interest of the using and consuming public; and

WHEREAS, The Legislature seeks to address concerns that sufficient accountability does not currently exist to ensure that the Public Service Commission is adequately protecting those interests; therefore, be it

Resolved by the Legislature of West Virginia:

That a Joint Legislative Study Committee on Public Service Commission Accountability and Effectiveness be created for the

purposes of studying the issue of the accountability and effectiveness of the Public Service Commission and the feasibility of creating legislation consistent with the committee's findings; and proposing legislation to achieve this goal; and, be it

Further Resolved, That the Joint Legislative Committee on Public Service Commission Accountability and Effectiveness examine the following issues in relation to the Public Service Commission:

(1) The process of applying for and receiving rate modifications, including the feasibility of authorizing the commission to unilaterally decrease rates when an investigation concludes that consumers are being overcharged;

(2) A description of all revisions to policies or practices, or both, of the commission intended to ensure that utilities adopt and utilize best management practices in their respective operations;

(3) A description of any current practices or policies, or both intended to minimize the amount of any possible over-recovery from rate payers paying interim rates while a rate case is pending;

(4) An analysis of the method by which machinery, equipment, fixtures and infrastructure is depreciated following the acquisition by a subsequent owner, and whether such method is consistent with the purposes for which depreciation is allowed;

(5) An analysis comparing the current utility rates in each of the twenty-eight border counties with the comparable rates for the non-West Virginia counties which share a common boundary with each of them;

(6) Whether an economic impact analysis should be required with respect to applications for substantial rate increases; and

(7) Whether the actions of the Consumer Advocate Division of the Public Service Commission in principal and effect have remained

consistent with the original intent, and if not, how to correct such problems; and, be it

Further Resolved, That the study committee shall consider such other information or documentation as the committee may request in order to achieve the goals of this resolution; and, be it

Further Resolved, That the Joint Legislative Committee on Public Service Commission Accountability and Effectiveness report to the regular session of the Legislature, 2014, 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 committee, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Delegates Westfall, Ambler, Anderson, Andes, Armstead, Arvon, Ashley, Azinger, Barill, Barrett, Boggs, Border, Butler, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Craig, Diserio, Eldridge, Ellem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Ferns, Ferro, Fleischauer, Folk, Frich, Gearheart, Hamilton, Hamrick, Hartman, Householder, Howell, Hunt, Iaquinta, Ireland, Jones, Longstreth, Lynch, Manchin, Manypenny, Marcum, Marshall, McCuskey, Miley, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Paxton, Perdue, Perry, L. Phillips, R. Phillips, Pino, D. Poling, M. Poling, Poore, Reynolds, Romine, Rowan, Shott, Skaff, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Staggers, Stephens, Storch, Stowers, Sumner, Swartzmiller, Mr. Speaker, Mr. Thompson, Tomblin, Walker, Walters, Wells, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 110 - "Requesting that the Division of Highways name bridge number 18-87-5.40, currently known as Evans Bridge, on

County Route 87 over Mill Creek near Evans, West Virginia, the 'Boyd Leon Parsons Memorial Bridge'."

WHEREAS, Boyd Leon Parsons was born on January 28, 1894 in a log house at Bull Run near Evans, one of seven children born to Frank and Ida Kessel Parsons; and

WHEREAS, Boyd Leon Parsons trained as a teacher in his early life before World War I broke out; and

WHEREAS, Boyd Leon Parsons joined the US Army in May 1918 and was shipped out in mid-August with the 22nd Engineers, with whom he served in England and France; and

WHEREAS, Following the conclusion of the war, Boyd Leon Parsons returned and married Luella Corfee, and together they had two sons and two daughters: Roy, Edwin, Betty Louise and Mildred; and

WHEREAS, After 22 years as a teacher Boyd Leon Parsons became a mail carrier and covered Route No. 1 out of Evans for 25 years until failing health forced his retirement; and

WHEREAS, Boyd Leon Parsons was a godly man who lived a christian life and served as the Sunday School Superintendent until the fatigue of his illness forced his resignation; and

WHEREAS, It is fitting and proper that the community leader and pillar, Boyd Leon Parsons, be remembered and honored through the dedication of a bridge in his name; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is requested to name bridge number 18-87-5.40, currently known as Evans Bridge, on County Route 87 over Mill Creek near Evans, West Virginia, the "Boyd Leon Parsons 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 "Boyd Leon Parsons Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation and to the surviving family of Boyd Leon Parsons.

Delegates Marcum, Ambler, Barill, Barrett, Boggs, Border, Campbell, Canterbury, Craig, Diserio, Eldridge, D. Evans, Ferns, Ferro, Fleischauer, Gearheart, Guthrie, Hartman, Ireland, Jones, Lane, Lawrence, Longstreth, Lynch, Manchin, Manypenny, Marshall, McCuskey, Miley, Moore, Morgan, Moye, E. Nelson, J. Nelson, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pino, M. Poling, Poore, Raines, Skaff, Skinner, P. Smith, R. Smith, Sponaugle, Staggers, Stephens, Stowers, Sumner, Swartzmiller, Tomblin, Walker, Walters, Wells, White, Williams and Young offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 111 - "Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School in Naugatuck, Mingo County".

WHEREAS, The West Virginia Division of Highways has begun the process to build a potential bridge located on the new County 65/03 Route; and

WHEREAS, The bridge is vital to the further economic development of Mingo County; and

WHEREAS, The Mingo County Board of Education has taken steps to develop and improve the Tug Valley High School and its athletic facilities; and

WHEREAS, These upgrades are very important and in dire need to improve the education and quality of life for all Tug Valley students; and

WHEREAS, The improvements and further developments of Tug Valley High School cannot proceed without the new bridge; and

WHEREAS, The students, teachers and citizens of Mingo County deserve the improvements that will stem from the new bridge; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to build the bridge located near Tug Valley High School in Naugatuck, Mingo County, West Virginia; and, be it

Further Resolved, That time is of the essence; and, be it

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

Delegates Westfall and Ashley offered the following resolution, which was read by the Clerk as follows:

H. R. 30 - "Commemorating the life of the Honorable Virginia Rae 'Ginny' Starcher, educator, civic leader, and public servant".

WHEREAS, Virginia Rae "Ginny" Starcher was born on February 23, 1930, in Wheeling, Ohio County, West Virginia, the daughter of Roy William and Ella Rae Lowe Jolliffe; and

WHEREAS, Ginny Starcher was educated in Cameron, Marshall County, West Virginia schools and she received a Bachelor and Masters of Arts from West Virginia University, where she also taught briefly; and

WHEREAS, Ginny was married to Harold E. "Punk" Starcher, Jr. and they were the proud parents of one son, Mark L., and one daughter, Ann R., and the loving grandparents of John E. Starcher and Margaret R. Starcher; and

WHEREAS, Virginia Starcher worked in Washington, D.C., at the Library of Congress and the then newly created CIA. She also taught in Ripley, Jackson County, West Virginia, and Schenectady, New York, high schools, and WVU-P in Ripley, West Virginia; and

WHEREAS, In 1986, Ginny Starcher was the first woman elected to the West Virginia House of Delegates representing Jackson County and a portion of Mason County and she was subsequently reelected for a second term in 1988; and

WHEREAS, Ginny Starcher was an organizing member of the First Presbyterian Church of Ripley, where she served as a session member and a Sunday school teacher. In addition, she was the first woman to be elected to the County Commission in Jackson County, West Virginia; and

WHEREAS, Virginia Starcher's numerous community affiliations included President of the Jackson General Hospital Auxiliary and she was a member of the Jackson County Library and Health Department Boards. She also belonged to the GFWC, Pilot Club, Jackson County Democrat Woman's Club and the Ripley Garden Club; and

WHEREAS, Sadly, the Honorable Virginia Rae "Ginny" Starcher passed away on December 19, 2012; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby commemorates the life of the Honorable Virginia Rae "Ginny" Starcher, educator, civic leader and public servant; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable Virginia Rae "Ginny" Starcher; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable Virginia Rae "Ginny" Starcher.

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the resolution (H. R. 30) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

At the request of Delegate Boggs, and by unanimous consent, the House of Delegates proceeded to the Ninth Order of Business for the purpose of considering a resolution on Unfinished Business.

SPECIAL CALENDAR

UNFINISHED BUSINESS

Com. Sub. for H. C. R. 49, The "Larry W. Border Memorial Bridge"; coming up in regular order, as unfinished business, was reported by the Clerk.

The question now being on the adoption of the resolution, Delegate Perdue demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 98)**, and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ferns, Fleischauer, Fragale, Marshall and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. C. R. 49) was adopted.

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

COMMITTEE REPORTS

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

Your Committee on Finance has had under consideration:

H. B. 2722, Increasing the amount of special license fees paid by pipeline companies,

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

Com. Sub. for H. B. 2722 - "A Bill to amend and reenact §24B-5-3 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of special license fees paid by pipeline companies to the Public Service Commission",

And,

H. B. 3020, Improving boat dock and marina safety,

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

Com. Sub. for H. B. 3020 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections to article seven, chapter twenty, designated §20-7-24, §20-7-25, §20-7-26, §20-7-27, §20-7-28 and §20-7-29, all relating to boat, boat dock and marina safety; providing definitions; requiring compliance with certain standards; requiring work by certified electricians; establishing a date for compliance; and providing penalties",

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2806, Relating to administrative remedies for prisoners generally,

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

Com. Sub. for H. B. 2806 - "A Bill to amend and reenact §25-1A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §25-1A-2a, all relating generally to exhaustion of administrative remedies for prisoners; defining certain administrative remedies; directing proposal of rules for legislative approval; complying with federal sexual abuse provisions; and requiring that a prisoner first exhaust such remedies prior to resorting to litigation",

H. B. 2836, Allowing certain Commission on Special Investigations personnel the right to carry firearms,

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

Com. Sub. for H. B. 2836 - "A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended, relating to the Commission on Special Investigations generally; granting certain commission personnel the right to carry firearms in the course of their employment; establishing minimum training and certification requirements for such personnel; requiring such personnel to secure a license to carry a concealed weapon in accordance with the provisions of article seven, chapter sixty-one of this code",

H. B. 2849, Relating to audits and investigations by the chief inspector of public offices,

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

Com. Sub. for H. B. 2849 - "A Bill to amend and reenact §6-9-7 and §6-9-9a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6-9-9b,

all relating to the Chief Inspector of Public Offices; authorizing the Chief Inspector to investigate the financial affairs of local governmental offices, political subdivisions, boards, commissions, authorities, agencies and other public entities; clarifying that the Chief Inspector may report to proper legal authority or initiate civil and criminal actions if an investigation discloses misfeasance, malfeasance or nonfeasance; providing for confidentiality of reports until the completion of investigation or adjudication; and providing that working papers of the Chief Inspector Division are confidential",

And,

H. B. 2964, Authorizing the mayor to appoint chiefs of police and deputy chiefs of police,

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

Com. Sub. for H. B. 2964 - "A Bill to amend and reenact §8-10-1 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the mayor; and allowing removed chiefs of police and removed deputy chiefs of police to be reinstated to the rank that he or she previously held",

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2355, Allowing the mascot of Parkersburg South High School to carry a musket on school grounds when the mascot is acting in his or her official capacity,

And,

H. B. 2968, Authorizing the use of an additional medium for use in archiving the records,

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

Delegate Miley, 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. 2570, Relating to the West Virginia Public Employees Grievance Procedure,

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

Com. Sub. for H. B. 2570 - "A Bill to amend and reenact §6C-2-2 and §6C-2-3 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Public Employees Grievance Procedure; adding definition for discovery; requiring agencies to allow reasonable time for representatives to appear; providing for discovery requests; and clarifying that participation in proceedings is considered work time",

And,

H. B. 3060, Authorizing the Oil and Gas Conservation Commission to regulate the horizontal deep wells,

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

Com. Sub. for H. B. 3060 - "A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Oil and Gas Conservation Commission to regulate the horizontal deep wells",

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 3068, Expanding the property appraisal provisions to include qualified capital additions to coal production facilities,

And,

H. B. 3097, Entitling natural resource producers to the economic opportunity tax credit,

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

In accordance with the former direction of the Speaker, the bills (H. B. 3068 and H. B. 3097) were each referred to the Committee on Finance.

Delegate Miley, 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. 2357, Relating to sexting by minors,

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

Com. Sub. for H. B. 2357 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-5-13g, relating to the development of an educational diversion program for minors engaged in delinquent offenses associated with sexting and related offenses; delineation of sexting and

associated offenses; providing for the establishment of a specialized diversion program by the West Virginia Supreme Court of Appeals for sexting by minors and associated offenses; suggested scope and topics to be included in such specialized diversion program; providing for the participation in the diversion program as a part of a pre-petition diversion and informal resolution in advance of a filed petition, as part of a required counseling plan, or as part of an improvement period established requirement in advance of adjudication; consideration of successful completion of specialized diversion program on first offense and subsequent offenses; allowing for court discretion as to whether adjudicated juvenile should be required to register as a sex offender as a result of adjudication as status offender for sexting and related offenses",

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2357) to the Committee on Finance was abrogated.

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

Your Committee on Education has had under consideration:

H. B. 2490, Providing for the appointment of veterans advocates at state institutions of higher education,

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

Com. Sub. for H. B. 2490 - "A Bill to amend and reenact §18B-4-9 the Code of West Virginia, 1931, as amended, relating to providing services for and addressing needs of student veterans enrolled in state institutions of higher education; designating role and duties of veterans advocates; and specifying certain provisions to be implemented for student veterans",

And,

H. B. 2491, Establishing a uniform policy for students enrolled in institutions of higher education who are called up for duty in the military,

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

Com. Sub. for H. B. 2491 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-10, relating to establishing a uniform course completion policy for certain higher education students performing certain military service",

With the recommendation that the committee substitutes each do pass.

MESSAGES FROM THE SENATE

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 2784, Relating to the Deputy Sheriff Retirement System Act.

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. 430 - "A Bill to amend and reenact §18-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-7B-21, all relating to the Teachers' Defined Contribution Retirement System; adding a definition of 'employment term'; making a technical correction; and adding a provision relating to correction of errors by participating public employers and the Consolidated Public Retirement Board".

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 430) 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. 431 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-11, relating to the liability of a participating public employer and its successor to pay delinquent retirement contributions, delinquency fees and related costs; and enforcement and collection of the costs by the Consolidated Public Retirement Board".

At the respective requests of Delegate Boggs, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 431) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 491 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-16, relating to daily passenger rental car business; and allowing rental vehicle contracts to include a vehicle licensing cost recovery fee"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 507 - "A Bill to amend and reenact §5-10-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2A-5 of said code, all relating to removing the requirement to set employer contribution rate for the Public Employees Retirement System and the State Police Retirement System by legislative rule; and clarifying funding rate which affects employee contribution rate in State Police Retirement System"; which was referred to the Committee on Pensions and Retirement then the Judiciary.

PETITIONS

Delegate Hamrick presented a petition on behalf of his constituents requesting restoration of the Health Right Free Clinic line item to its FY 2013 level; which was referred to the Committee on the Finance.

SPECIAL CALENDAR

UNFINISHED BUSINESS

Com. Sub. for S. C. R. 8, Requesting DOH name portion of Route 38 in Fayette County "Sizemore Moran Veterans Memorial Road"; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

THIRD READING

Com. Sub. for H. B. 2521, Relating to the West Virginia Contraband Forfeiture Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 99)**, and there were—yeas 91, nays 6, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Cadle, Cowles, Hamrick, Householder, Howell and Kump.

ABSENT AND NOT VOTING: Ferns, Fragale and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2521) 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. 2563, Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students; 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. 100)**, and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Gearheart, Howell, Kump and E. Nelson.

ABSENT AND NOT VOTING: Ferns, Fragale and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2563) 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. 2626, Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Boggs, and by unanimous consent, the bill was laid over.

Com. Sub. for H. B. 2754, Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Boggs, and by unanimous consent, the bill was laid over.

Com. Sub. for H. B. 2778, Defining alternative nicotine products and electronic cigarettes; 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. 101)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ferns, Fragale and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2778) 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. 2851, Establishing a one time audit cost amnesty program for local governments with delinquent audit costs; 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. 102)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ferns, Fragale and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2851) 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. 2923, Relating to directors of state-chartered banking institutions; 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. 103)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ferns, Fragale and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2923) 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. 2956, Relating to resident brewers and brewpubs; 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. 104)**, and there were—yeas 90, nays 7, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Armstead, Arvon, Border, Faircloth, Overington, Sobonya and Sumner.

ABSENT AND NOT VOTING: Ferns, Fragale and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2956) passed.

An amendment to the title of the bill, recommended by the Committee on Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 2956 - "A Bill to amend and reenact §11-16-3 and §11-16-6 of the Code of West Virginia, 1931, as amended, all relating to resident brewers and brewpubs; clarifying and amending applicable definitions; clarifying certain requirements and operations relating to distribution and sales at brewpubs; and allowing for the limited sale of nonintoxicating beer and nonintoxicating craft beer by brewpubs for personal consumption off premises and not for resale".

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. 3003, Facilitating compliance with the Tobacco Master Settlement Agreement; 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. 105)**, and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Ferns, Fragale and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3003) 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. 2512, Reforming the state Medicaid subrogation statute; 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. 2531, Relating to the practice of speech-language pathology and audiology; 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. 2550, Adding criminal offense of receiving materials depicting minors in sexually explicit conduct; 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. 2571, Relating to who may serve as members of the environmental quality board; 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. 2759, Relating to standards for emergency medical service personnel; 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. 2766, Creating the "West Virginia Winner" program; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Iaquinta, the bill was amended on page three, subsection (c), line twenty-five, by striking out subsection (c) and inserting in lieu thereof a new subsection to read as follows:

"(c) Each participant or team shall pay to the Office of Healthy Lifestyles a fee to participate in each event. The fees may be collected by the hosting local government entity and remitted to the Office of Healthy Lifestyles to be deposited in the Healthy Lifestyles Fund. The participation fee schedule is as follows: (1) individual or open division, $10 per person; (2) corporate division (corporations with more than two-hundred fifty employees), $1,000 per team: *Provided,* That if a corporate team consists of more than one hundred participants, the corporate team shall pay $10 per additional person over one hundred in addition to $1,000; (3) small business division (businesses with two-hundred fifty or fewer employees), $200 per team: *Provided,* That if a small business team consists of more than twenty participants, the small business team shall pay $10 per additional person over twenty in

addition to $200; (4) collegiate division (sponsored by an instate college or university), $1,000: *Provided:* That if a collegiate team consists of more than one hundred participants, the collegiate team shall pay $10 per additional person over one hundred in addition to $1,000; and (5) fraternal organization or non-profit division, $125 per team: *Provided,* That if a fraternal or non-profit team consists of more than thirteen participants, the fraternal or non-profit team shall pay $10 per additional person over thirteen in addition to $125".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2888, Allowing members of a policemen's civil service commission to serve on other local boards and commissions; 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. 2940, Relating to regional meetings among certain officials of county boards of education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2966, Relating to employment and privacy protection; 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. 3086, Relating to juvenile services and criminal justice institutions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3104, Authorizing certain legislative rules regarding higher education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3159, Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems;

on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

FIRST READING

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

Com. Sub. for H. B. 2716, Relating to the West Virginia Fairness in Competitive Bidding Act,

Com. Sub. for H. B. 2727, Relating to the school aid formula,

Com. Sub. for H. B. 2866, Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet,

Com. Sub. for H. B. 2938, Establishing fair trade practices for court reporters,

H. B. 2954, Requiring that members of the Mine Safety Technology Task Force are paid the same compensation as members of the Legislature,

Com. Sub. for H. B. 2979, Relating to broadband deployment projects,

H. B. 3043, Including methane monitoring equipment as eligible safety equipment for tax credit purposes,

Com. Sub. for H. B. 3135, Relating generally to voting system certification and procedures at the central counting center,

Com. Sub. for H. B. 3145, Removing the existing maximum quantities of beer that retailers can sell off premises,

And,

H. B. 3160, Providing for a pilot initiative on governance of schools jointly established by adjoining counties.

REMARKS BY MEMBERS

Delegate Eldridge addressed the House regarding H. B. 2563, Reducing the daily administrative time required of school counselors and increasing the time actually spent in counseling at-risk students, and at the conclusion thereof, Delegate J. Nelson asked and obtained unanimous consent that such remarks be printed in the Appendix to the Journal.

At 12:10 P.M., on motion of Delegate Boggs, the House of Delegates recessed until 5:00 P.M., and reconvened at that time.

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EVENING SESSION

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At the request of Delegate Boggs, 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 Miley, 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. 3021, Relating to operating a bicycle or overtaking a bicycle on a roadway,

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

Com. Sub. for H. B. 3021 – "A Bill to amend and reenact §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-11-5 of said code, all relating to operating a bicycle or overtaking a bicycle on a roadway".

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2577, Relating to the practice of pharmacist care,

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

Com. Sub. for H. B. 2577 - "A Bill to repeal §30-5-1a, §30-5-1b, §30-5-2a, §30-5-3a, §30-5-5a, §30-5-5b, §30-5-6a, §30-5-7a, §30-5-7b, §30-5-7c, §30-5-9a, §30-5-10a, §30-5-12c, §30-5-14a, §30-5-14b, §30-5-16a, §30-5-16b, §30-5-16c and §30-5-22a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5A-9a of said code; to amend and reenact §30-5-1, §30-5-2, §30-5-3, §30-5-4, §30-5-5, §30-5-6, §30-5-7, §30-5-8, §30-5-9, §30-5-10, §30-5-11, §30-5-12, §30-5-13, §30-5-14, §30-5-15, §30-5-16, §30-5-17, §30-5-18, §30-5-19, §30-5-20, §30-5-21, §30-5-22, §30-5-23, §30-5-24, §30-5-25, §30-5-26, §30-5-27, §30-5-28, §30-5-29 and §30-5-30 of said code; to amend said code by adding thereto four new sections, designated §30-5-31, §30-5-32, §30-5-33 and §30-5-34; and to amend and reenact §60A-10-3 of said code, all relating to pharmacy practice; prohibiting the practice of pharmacist care without a license; permitting a licensed practitioner to dispense in certain settings; providing other applicable sections; providing definitions; providing for board composition; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license, registration and permit requirements; creating a

scope of practice; creating a temporary permit; establishing renewal requirements; providing for exemptions from licensure; providing requirement to participate in collaborative pharmacy practice; providing requirement for dispensing generic drugs; requiring the registration of pharmacies requiring a permit for mail-order pharmacies and manufacturing of drugs; providing requirements of filling prescriptions; providing requirements for the display of a board authorization; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal penalties; and updating references",

H. B. 2600, Creating resort area districts,

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

Com. Sub. for H. B. 2600 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-25-1, §7-25-2, §7-25-3, §7-25-4, §7-25-5, §7-25-6, §7-25-7, §7-25-8, §7-25-9, §7-25-10, §7-25-11, §7-25-12, §7-25-13, §7-25-14, §7-25-15, §7-25-16, §7-25-17, §7-25-18, §7-25-19, §7-25-20, §7-25-21, §7-25-22, §7-25-23, §7-25-24, §7-25-25 and §7-26-26; and to amend and reenact §30-29-1 of said code, all relating to the creation of resort area districts; providing short title for article; providing legislative findings for resort area districts; defining terms; authorizing county commissions to create resort area districts; providing for petition process for creation or expansion of resort area districts; providing notice requirements for creation or expansion of resort area districts; providing that resort area districts are public corporations; setting forth powers of resort area districts; authorizing resort area districts to undertake capital projects; authorizing resort area districts to levy assessments upon real property; authorizing resort area districts to borrow money and incur indebtedness; authorizing resort area

districts to issue assessment bonds and resort service fee bonds; authorizing resort area districts to impose penalties for unpaid assessments; authorizing resort area districts to levy resort service fee on purchases of certain goods and services; authorizing resort area districts to provide public services; authorizing resort area districts to provide for public safety and appoint resort area rangers; providing for official name of resort area districts; providing for creation of resort area boards; setting forth powers and certain procedures for resort area boards; providing for election of resort area board members; providing election procedures for resort area boards; requiring certain resort area board members to give bond; providing notice requirements for resort area boards election; providing procedures and notice requirements for resort service fee implementation and administration; providing procedures for implementing and providing services within resort area districts; requiring adoption of budget annually; providing resort area district board ability to condition budgeted expenditures, projects and undertakings on the receipt and availability of additional funds provided by resort operator or other sources; providing procedures for implementation of assessments; providing notice requirements for assessments; providing procedures for construction of capital projects; providing procedures for revision of assessments; exempting public property from assessments; providing terms for assessment bonds and resort service fee bonds; exempting assessment bonds and resort service fee bonds from state taxation; providing that indebtedness of resort area district to be paid solely from resort service fee and assessments; providing procedure for payment of assessments to sheriff; authorizing sheriff to collect delinquent assessments; providing for lien against property subject to assessment and notice thereof; providing for appointment of resort area rangers; authorizing resort area rangers to exercise authority of law-enforcement officers; requiring annual audit of resort area districts; requiring notice of change of ownership of properties within district; reasonable notice by district in absence of receiving notice of change in ownership; providing for liberal construction of article; providing that resort area rangers are considered law-enforcement officers; and making resort

area rangers subject to same training and requirements as other law-enforcement officers",

And,

H. B. 2608, Requiring appraisal management companies to be registered,

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

Com. Sub. for H. B. 2608 - "A Bill to amend and reenact §30-38-6, §30-38-7 and §30-38-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16 and §30-38A-17, all relating to regulating appraisal management companies; requiring appraisal management companies to be registered with the West Virginia Real Estate Appraiser Licensing and Certification Board; adding a member representing appraisal management companies to the board; updating the duties, powers and rule-making authority of the board; prohibiting any person or firm from performing or offering to perform appraisal management services without a registration issued by the board; defining certain terms; setting forth requirements for registration, including written applications, verifications and criminal background checks; providing exemptions from registration requirements; requiring surety bonds; setting forth duties of appraisal management companies; authorizing certain fees; requiring appraisal management companies to designate a controlling person; establishing requirements and authorizing complaints for the removal of an appraiser from an appraiser panel; setting forth duties of appraisal management companies; defining what constitutes unprofessional conduct; setting forth prohibited acts; authorizing disciplinary action; providing for hearing and notice procedures; authorizing civil penalties; and authorizing the board to seek injunctive relief",

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

S. B. 496, Finding and declaring certain claims against state,

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

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

Your Committee on Finance has had under consideration:

H. B. 2469, Increasing the cap on earnings during temporary reemployment after retirement,

H. B. 2542, Relating to publication of the State Register,

And,

H. B. 3028, Expanding the number of hours temporary state personnel may work in a calendar year,

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

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

Your Committee on Finance has had under consideration:

H. B. 3112, Relating to compensation awards to victims of crimes,

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

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

On motions for leave, bills were introduced (Originating in the Committee on Finance and reported with the recommendation that they each do pass), which were read by their titles, as follows:

By Delegates White, Marshall, Iaquinta, Cowles, Miller, R. Phillips, L. Phillips, E. Nelson and Perdue:

H. B. 3161 – "A Bill to repeal §48-2-604 of the Code of West Virginia, 1931, as amended, relating to marriage license fees",

And,

By Delegates White, Reynolds, Canterbury, Walters, L. Phillips, Storch, Gearheart, Perdue and Anderson:

H. B. 3163 – "A Bill to amend and reenact §17-16A-4, §17-16A-10 and §17-16A-18 of the Code of West Virginia, 1931, as amended, all relating to requiring all debt obligations of the West Virginia Parkways Authority to be satisfied by February 1, 2020; eliminating tolls on the West Virginia Turnpike after debt obligations are satisfied; directing the Governor to issue a proclamation that all obligations are satisfied and transfer of assets; providing that certain materials, equipment, assets and employees of the parkways authority be transferred to the Division of Highways; providing for employees of the parkways authority whose positions are eliminated as result of the transfer; requiring certain moneys be used for operation and maintenance of West Virginia Turnpike; providing that all obligations and responsibilities of the parkways authority for the West Virginia Turnpike cease on January 1, 2035; prohibiting new bonds from being issued; providing an exception; and requiring the Division of Highways to accept ownership of the West Virginia Turnpike when the bonds secured by toll revenues have been paid".

Delegate Miley, 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. 2611, 2612, 2614, 2615, 2638, 2639, 2640, 2641, 2642, 2645, 2646, 2648, 2649, 2651, 2656, 2657, 2664, 2680, 2681, 2682, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2706, 2707, 2709, 2710, 2711 and 2713, Authorizing miscellaneous boards and agencies to promulgate legislative rules,

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

Com. Sub. for H. B. 2689 - "A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Board of Medicine to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program data base; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatrists; authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the Board

of Optometry to promulgate a legislative rule relating to expanded therapeutic procedures certificates; authorizing the Board of Optometry to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to practitioner requirements for controlled substances licensure and accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to ephedrine and pseudoephedrine control; authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure - qualifications for renewal; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the Board and supplemental renewal fee for the center for nursing; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to the announcement of advanced practice; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the Secretary of State to promulgate a legislative rule relating to the Uniform Commercial Code; authorizing the Secretary of State to promulgate a legislative rule relating to administration of the address confidentiality program; authorizing the Secretary of State to promulgate a legislative

rule relating to the regulation of political party headquarters financing; authorizing the Secretary of State to promulgate a legislative rule relating to the regulation of late registration; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the procedures, criteria and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians and hair stylists; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operational standards for schools of barbering and beauty culture; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the Board; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia controlled substances monitoring program database; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dental Examiners to promulgate a legislative rule relating to the expanded duties of dental hygienists and dental assistants; authorizing the Hatfield-McCoy Regional Recreation Authority to promulgate a legislative rule relating to rules for use of the facility; authorizing the Treasurer's Office to promulgate a legislative rule relating to the enforcement of the Uniform Unclaimed Property Act; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to the organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Social Work to promulgate a legislative rule relating to a fee schedule; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications

for the profession social work; authorizing the Board of Social Work to promulgate a legislative rule relating to applications; authorizing the Board of Social Work to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the Board of Social Work to promulgate a legislative rule relating to a code of ethics; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech-pathology and audiology; and authorizing the Conservation Committee to promulgate a legislative rule relating to the operation of the West Virginia State Conservation Committee and conservation districts",

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 2513, Improving enforcement of drugged driving offenses,

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

Com. Sub. for H. B. 2513 - "A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §17C-1-67 and §17C-1-68; to amend and reenact §17C-5-4, §17C-5-6, §17C-5-7, §17C-5-8 and §17C-5-9 of said code; and to amend said code by adding there to a new section, designated §17C-5-12, all relating to the enforcement of laws prohibiting the operation of a motor vehicle while under the influence of a drug or controlled substance generally; defining 'drug' and 'controlled substance'; providing implied consent to test for controlled substances or drugs; changing period of license suspension for failure to submit to certain tests to provide consistency with other provisions of law; authorizing law-enforcement agencies to designate secondary chemical

tests to be administered; removing urine as a subject of testing to determine its alcohol content or concentration, or its controlled substance and drug content; removing the exception to a license revocation for the refusal to submit to a blood test; requiring training of law-enforcement officers; including controlled substances and drugs in blood test administration procedures; providing the drugs or classes of drug to be included in a chemical analysis; requiring the Bureau of Public Health and West Virginia State Police Forensic Laboratory to prescribe minimum levels of substance or drugs in order to be admissible; authorizing emergency rules; requiring the Bureau of Public Health to review current methods and standards; requiring a specimen to test for controlled substances or drugs to be taken within four hours of arrest; prohibiting testing results to be used as evidence in a criminal prosecution for the possession of a controlled substance; and requiring the West Virginia State Police Forensic Laboratory to report to the Legislature",

H. B. 2544, Improving state emergency preparedness,

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

Com. Sub. for H. B. 2544 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2 and §11-13DD-3; to amend and reenact §15-5-21 of said code; and to amend and reenact §55-7D-1 of said code, all relating to improving state emergency preparedness; creating an emergency generator tax credit for gas or propane fueled machines; requiring the Office of Emergency Services to coordinate with local radio and television stations to broadcast public service announcements with information as to the location of emergency shelters; providing tax credits for use of emergency generators; and providing a protection from civil or criminal liability to persons donating food during times of emergencies",

H. B. 2548, Increasing the criminal penalties for assaults and batteries against athletic officials,

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

Com. Sub. for H. B. 2548 - "A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for assaults and batteries against athletic officials",

H. B. 2738, Relating to the Center for Nursing,

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

Com. Sub. for H. B. 2738 – "A Bill to amend and reenact §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, §30-7B-8 and §30-7B-9 of the Code of West Virginia, 1931, as amended, all relating to the Center for Nursing; adding definitions; removing outdated language; updating powers reorganizing the board; establishing minimum scholarship requirements; and requiring the center to report to the Legislative Oversight Commission on Health and Human Resources Accountability instead of the Joint Committee on Government and Finance",

H. B. 2837, Amending various provisions of the code affecting the Treasurer's Office,

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

Com. Sub. for H. B. 2837 – "A Bill to repeal §12-1-12c of the Code of West Virginia, 1931, as amended; to repeal §12-6B-1, §12-6B-2, §12-6B-3 and §12-6B-4 of said code; to amend and reenact §5-10B-13 of said code; to amend said code by adding thereto a new section, designated §5-10B-14; to amend and reenact §12-1-3, §12-1-8 and §12-1-11 of said code; to amend and reenact §12-2-2 and §12-2-3 of said code; to amend and reenact §12-3A-3 of said code; to amend said code by adding thereto a new section, designated §12-4-17; to amend

and reenact §12-5-4 of said code; to amend and reenact §12-6A-1, §12-6A-2, §12-6A-3, §12-6A-4 and §12-6A-5, §12-6A-6 and §12-6A-7 of said code; to amend and reenact §12-6C-7 and §12-6C-9 of said code; to amend and reenact §33-3-14d of said code; and to amend and reenact §36-8-13 of said code, all relating to the state treasurer's office; authorizing the deferred compensation plan to accept qualified domestic relations orders; authorizing Roth accounts within the deferred compensation plan in accordance with the Internal Revenue Code; authorizing financial institutions to offer products in addition to certificates of deposit; updating references to investing authorities to include the Board of Treasury Investments; raising the amount of eligible deposits from $100,000 to the amount insured by a federal agency; providing requirements to be eligible depositories; providing for conflicts of interest for applicants and employees of the Treasurer's office in connection with financial institutions; authorizing depositories to submit reports in an electronic format; changing the requirement that deposits are required within 24 hours to one business day; establishing standards for receipting of moneys, including reviewing of internal controls by auditors and the Treasurer and ensuring copies of audits are submitted to the Legislative Auditor; ensuring confidential information in internal control procedures is redacted before release; defining federal, special and general revenue funds; changing the report to the Legislative Auditor for accounts outside the treasury from quarterly to an annual report; authorizing the Treasurer to determine the competitive bidding of banking, investment and related goods and services required for treasury operations; authorizing the Treasurer to develop procedures for storing, retaining and disposing of records for his or her office; ensuring the director of the division of archives and history receives records with historical value; clarifying that the Treasurer is responsible for earnings received on securities, not just interest; consolidating the debt capacity division into the debt management division; providing legislative findings to acknowledge the importance of monitoring the debt of the state and its spending units; continuing division of debt management as the central information source for debt issued by the state and its spending units;

defining debt to include debentures, lease purchases, mortgages, securitizations and other types of obligations with specific amounts owed and payable on demand or on determinable dates; defining debt impact report, moral obligation bond, net tax supported debt and tax supported debt; defining spending unit; eliminating requirement for developing a long-term debt plan; authorizing the division to continuously evaluating debt and debt service requirements and reviewing all proposed debt offerings of the state and its spending units; authorizing the division to issue a debt impact report if requested by the Governor, Senate President or House of Delegates Speaker and that the report shall not restrict the Governor, Legislature or spending unit; requiring the division to monitor continuing disclosure requirements and post-issuance compliance issues; eliminating requirement that the debt management division provide staff for the debt capacity division; providing for reporting by the division and the spending units; requiring the division to prepare and issue the debt capacity report; authorizing the Treasurer to promulgate the rules in certain circumstances; altering the bond required for the Board of Treasury Investments from $50 million to at least $10 million, as set by the board; updating language pertaining to rating agencies to nationally recognized statistical rating organizations; permitting pools with weighted average maturity or duration of 366 days or more to invest in investment grade corporate debt securities; authorizing investments in money market and other fixed income funds; authorizing the board to make loans specified by the Legislature and to offer an equipment and software financing program for state government entities; providing that securities falling out of compliance with the Code do not have to be sold if the investment manager and investment consultant recommend retention; satisfying amounts due to and from policemen's and firemen's pension and relief funds and the Teachers Retirement System; authorizing expenses related to operations and programs of the office of the Treasurer from the Unclaimed Property Fund; authorizing transfer of moneys from the Unclaimed Property Trust Fund for payment to policemen's and firemen's pension and relief funds",

H. B. 2897, Declaring certain claims against the state and its agencies to be moral obligations of the state,

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

Com. Sub. for H. B. 2897 - "A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof",

And,

H. B. 3157, Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning,

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

Com. Sub. for H. B. 3157 - "A Bill repeal §18-2-5g, §18-2-15, §18-2-15a, §18-2-18, §18-2-23, §18-2-30, §18-2-31, §18-2-36, §18-2-37 and §18-2-38 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-3c and §18-2E-3d of said code; to repeal §18-5-40 of said code; to repeal §18-9-2b, §18-9-5, §18-9-7 and §18-9-8 of said code; to repeal §18-9A-3a, §18-9A-3b, §18-9A-13, §18-9A-13a, §18-9A-13b, §18-9A-25 and §18-9A-26 of said code; to repeal §18-9B-11 and §18-9B-16 of said code; to repeal §18A-3-2b of said code; to further amend said code by adding thereto a new section, designated §18-2E-5e; to further amend said code by adding thereto a new section, designated §18-8-6a; and to amend and reenact §18-9A-10 of said code, all relating to restoring the authority, flexibility, and capacity of schools and school systems to improve student learning; eliminating requirement for annual summary and submission of certain county board policies; eliminating requirement for biennial report on public schools and institutions; eliminating expired provisions for RESA study; eliminating expired provisions for

study on staff fluctuations at certain schools; eliminating outdated provisions on comprehensive education program plans; eliminating requirement for statewide curriculum technology resource center; eliminating outdated provisions for automatic cost of living adjustment plan; eliminating outdated provisions for student learning abilities grant program; eliminating expired provisions on flood and property insurance study; eliminating expired provisions on study of school teams and committees; eliminating prescriptive summer reading and math grant program provisions; eliminating provisions pilot program for operation on schools on semester basis; eliminating outdated provisions for transferring school funds from magisterial and independent school districts; eliminating outdated provisions related to the board of the school fund; eliminating outdated provisions related to supplemental aid to for districts with institutional home for orphans and homeless children; eliminating expired provisions for transition to new provisions on school finance; eliminating expired provisions for school finance in certain fiscal year; eliminating expired provisions for one-year transitional allocation appropriation for certain rural districts; eliminating expired provisions related to levies subsequent to passage of statewide uniform excess levy; eliminating inoperable provisions for legislative reserve fund; eliminating requirement for appropriation for teacher of the year salary; eliminating allowance for workers' compensation for unpaid work-based learning; eliminating outdated provisions related to board of school finance; eliminating provisions related to beginning teacher internship; making legislative findings on Goals for Education; making legislative findings on policy-oriented objectives in Goals for Education; making legislative findings on certain issues raised by Efficiency Audit; making legislative findings on consistency of certain Audit conclusion and policy-oriented objectives of Goals for Education; stating purpose of section with respect to Goals for Education and policy-oriented objectives; requiring state board report on accountability supervisory method that does not affect school and district strategic plans in certain ways; requiring state board to provide clear and consistent expectations for reasonable period in certain ways; requiring state board to ensure

certain school and school system capacity for professional development; requiring state board to evaluate its performance and progress on achieving goals and report to Legislative Oversight Commission on Education Accountability; eliminating state board approval of certain electronic strategic improvement plans; reducing percent of increase in local share added to allowance to improve instructional programs; requiring certain funds available for use for personnel to be used for only certain personnel subject to certain condition; providing support for truancy programs; increasing percent of increase in local share added to instructional technology purposes; changing purpose to county and school strategic improvement plans; and changing method of allocation to counties",

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2399, Protecting livestock in dire or extreme condition,

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

Com. Sub. for H. B. 2399 - "A Bill to amend and reenact §7-10-4 of the Code of West Virginia, as amended, relating to protecting livestock in dire or extreme condition; establishing a livestock committee; providing a process to follow when livestock are in dire or extreme condition; establishing a procedure where livestock are found to be in imminent danger; and the circumstances where action is required by humane officers and county commissions",

H. B. 2431, Modifying the application process for obtaining a state license to carry a concealed deadly weapon,

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

Com. Sub. for H. B. 2431 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to the application process for obtaining a state license to carry a concealed deadly weapon; clarifying certain restrictions and prohibitions; clarifying effect of expungement, pardons or reversal of prior offenses on permit application; and clarifying background check requirements",

H. B. 2730, Relating to the Real Estate Appraisal Board,

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

Com. Sub. for H. B. 2730 - "A Bill to amend and reenact §30-38-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-38-19, all relating to requirements to perform appraisals; providing requirements for licensure or certification by reciprocity; and clarifying the requirements for temporary permits",

H. B. 2731, Regulating the performance of health maintenance tasks by unlicensed personnel,

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

Com. Sub. for H. B. 2731 - "A Bill to amend and reenact §16-5O-1, §16-5O-2, §16-5O-3, §16-5O-4, §16-5O-5, §16-5O-6, §16-5O-7, §16-5O-8, §16-5O-10 and §16-5O-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5O-12, all relating to regulating the performance of health maintenance tasks by unlicensed personnel in certain personal care facilities; providing exceptions; identifying who may perform health maintenance tasks; requiring record keeping; requiring the administrative monitoring system to have input from

registered professional nurses; requiring liability insurance; changing the short title; defining terms including health maintenance tasks; requiring legislative rules necessary to implement the article; and the creation of an advisory committee to review definition of health maintenance tasks, along with polices and procedures authorized by the article",

H. B. 2787, Permitting family court judges and magistrates to carry concealed handguns without a permit,

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

Com. Sub. for H. B. 2787 - "A Bill to amend and reenact §61-7-6 of the Code of West Virginia, 1931, as amended, relating to exemptions and exceptions granted to statutory conceal and carry requirements; imposing certain training and certification requirements for judges, prosecuting attorneys and investigators employed by a prosecuting attorney; exempting such persons from the payment of conceal and carry permit application fees; expanding the list of judicial officers included in those exempted from the payment of fees; requiring enhanced handgun training for judicial officers and prosecutors before they can be authorized to carry a handgun in the performance of his or her duties, or to carry a handgun in buildings which house a courtroom",

H. B. 2960, Providing for internal and external review of adverse health coverage determinations,

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

Com. Sub. for H. B. 2960 - "A Bill to repeal §33-25C-5, §33-25C-6, §33-25C-7, §33-25C-9 and §33-25C-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-16H-1, §33-16H-2, §33-16H-3 and §33-16H-4, all relating to review of adverse determinations by health plan

issuers; mandating utilization review and internal grievance procedures; providing for external review of adverse determinations; defining terms; providing for judicial review of certain decisions; providing for venue of judicial review; providing for continued benefits pending judicial review; providing for an award of attorneys fees; providing no new causes of action; preserving existing causes of action; repealing similar provisions applicable to only health maintenance organizations; and directing proposal and promulgation of rules",

H. B. 3124, Relating to floodplain and mudslide area management,

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

Com. Sub. for H. B. 3124 - "A Bill to amend and reenact §7-1-3v, of the Code of West Virginia, 1931, as amended; to amend and reenact §8-30-1, all relating generally to flood control projects and floodplain management by municipalities and counties, and providing for a limited fee to be charged for a floodplain permit",

And,

H. B. 3139, Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon,

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

Com. Sub. for H. B. 3139 - "A Bill to amend and reenact §3-1A-8 of the Code of West Virginia, 1931, as amended, relating to qualified investigators employed by the Secretary of State; authorizing the Secretary of State to allow qualified investigators to carry firearms while performing their official duties; establishing minimum training and certification requirements; requiring qualified personnel to secure a license to carry a concealed weapon in accordance with the provisions of the code",

With the recommendation that the committee substitutes each do pass.

Delegate Miley, 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. 2352, Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act,

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

Com. Sub. for H. B. 2352 – "A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act for compliance with the mine operator's National Pollutant Discharge Elimination System ('NPDES') Permit where the West Virginia Department of Environmental Protection performs reclamation at a bond forfeiture site; clarifying that reclamation efforts undertaken by the West Virginia Department of Environmental Protection at bond forfeiture sites are considered construction activities; and providing tax incentives for mine operators who reclaim bond forfeiture sites",

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 2128, Providing that all employees have the right to review and copy the contents of their personnel file,

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

Com. Sub. for H. B. 2128 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating to employee records; and requiring certain employers to provide access to or copies of an employee's personnel file under certain circumstances and with certain limitations",

With the recommendation that the committee substitute do pass.

Delegate Miley, 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. 3065, Transferring land located in the Western District, Taylor County, West Virginia, from the State of West Virginia to the Taylor County Commission,

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

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

Your Committee on Finance has had under consideration:

H. B. 2265, Relating to the School Access Safety Act,

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

Com. Sub. for H. B. 2265 – "A Bill to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the state board of education include, in the legislative

rule on a model school crisis plan that it promulgates, certain protocols for responding to injuries and other medical emergencies on school property after normal school hours be included in school crisis response plans by certain date; and providing the applicability and requirements of those protocols as they apply to sports injuries",

H. B. 2498, Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted,

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

Com. Sub. for H. B. 2498 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-15, relating to grand jury proceedings; providing misdemeanor offense for disclosure of matters occurring before a grand jury under certain circumstances; providing exceptions; and providing criminal penalties",

H. B. 2805, Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program,

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

Com. Sub. for H. B. 2805 – "A Bill to repeal §3-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1A-5 of said code; and to amend and reenact §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-6, §3-12-7, §3-12-9, §3-12-10, §3-12-11, §3-12-13, §3-12-14 and §3-12-16 of said code, all relating to making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program; removing provisions permitting receipt of supplemental or rescue public campaign financing funds; providing certain findings; limiting collections by, and contributions to, a participating candidate in certain circumstances; requiring all contributions to candidates participating in the program

be collected by the candidate's financial agent; providing for the transfer of additional moneys to the program's fund; allowing the program's funds to be invested, with retained earnings; increasing the amounts of financing certified candidates may receive in contested elections; removing certain reporting requirements; removing the doubling of civil penalties in certain circumstances; and repealing the July 1, 2013, sunset provisions for the program and its fund",

H. B. 2825, Relating to certain appointive state officers salaries,

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

Com. Sub. for H. B. 2825 - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to certain appointive state officers salaries",

H. B. 2877, Permitting the Director of the Public Employees Insurance Agency to operate any of the agency's health benefits plans on a calendar year,

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

Com. Sub. for H. B. 2877 - "A Bill to amend and reenact §5-16-3 of the Code of West Virginia, 1931, as amended, relating health benefit plans; permitting the Director of the Public Employees Insurance Agency to operate the Medicare retiree health benefits plans on a calendar year; requiring certain conditions; and providing that financial plans shall continue to be on a fiscal year basis",

H. B. 2946, Permitting the sale of alcoholic beverages on Sunday mornings,

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

Com. Sub. for H. B. 2946 - "A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-18 of said code; to amend and reenact §60-7-10 and §60-7-12 of said code; and to amend and reenact §60-8-3 and §60-8-34 of said code, all relating to licenses for the sale of alcohol; allowing for the sale of nonintoxicating beer, wine and liquors by licensees on Sunday mornings within certain hours; authorizing the sale of alcohol by retail licensees on Sunday within certain hours; clarifying the restriction on certain prohibited electronic devices and machines at private club licensees; and effective date",

H. B. 2962, Relating to exemptions from the tax on the privilege of severing natural gas and oil,

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

Com. Sub. for H. B. 2962 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-22, relating to exemptions from the tax on the privilege of severing natural gas and oil; terminating a severance tax exemption for natural gas or oil produced from any horizontally drilled well that has not produced marketable quantities for five consecutive years immediately preceding the year in which such well is placed back into production and thereafter produces marketable quantities of natural gas or oil; defining terms; providing an exception thereto; and specifying a controlling effective date",

H. B. 3058, Relating to the valuation of motor vehicles for purposes of ad valorem property taxes,

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

Com. Sub. for H. B. 3058 – "A Bill to amend and reenact §11-1C-5 of the Code of West Virginia, 1931, as amended; and to amend

said code by adding thereto two new sections, designated §11-1C-5c and §11-1C-5d, all relating to the valuation of motor vehicles for purposes of ad valorem property taxes; requiring a minimum valuation; requiring antique motor vehicles not used as a primary vehicle to be assigned an appraised value of up to $5,000; and providing that a reconciliation excise tax is imposed on the sale of an antique motor vehicle to recapture revenue from the sale",

H. B. 3062, Removing the cap for collections into the land division special revenue account of the Department of Agriculture,

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

Com. Sub. for H. B. 3062 - "A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, increasing the cap for collections into the land division special revenue account of the Department of Agriculture from $1,500,000 to $2,000,000 and dividing amounts in excess of the cap evenly between said special revenue account and the General Revenue Fund of the state",

H. B. 3069, Relating to access to justice,

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

Com. Sub. for H. B. 3069 - "A Bill to amend and reenact §23-5-16 of the Code of West Virginia, 1931, as amended, relating to providing that attorney fees may be awarded for successful recovery of denied medical benefits in certain workers' compensation cases; and providing fee limits",

And,

H. B. 3072, West Virginia Coal Employment Enhancement Act,

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

Com. Sub. for H. B. 3072 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4 and §11-13DD-5, all relating to providing a tax credit to coal producers who sell coal to taxpayers who increase their consumption of West Virginia coal in this state for the purpose of increasing coal production and coal related employment in West Virginia",

With the recommendation that the committee substitutes each do pass.

At 6:06 P.M., on motion of Delegate Boggs, the House of Delegates recessed for ten minutes, and reconvened at that time.

On motions for leave, bills were introduced (Originating in the Committee on Finance and reported with the recommendation that they each do pass), which was read by their titles, as follows:

By Delegates Williams, Marshall, Iaquinta, Skaff, Guthrie, Craig, R. Phillips, Miller, Walters and E. Nelson:

H. B. 3162 - "A Bill to amend and reenact §18B-18A-1, §18B-18A-2, §18B-18A-3, §18B-18A-8, §18B-18A-9 and §18B-18A-11 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18B-18A-3a, all relating to providing for the allocation of matching funds from future moneys deposited into the West Virginia Research Trust Fund generally; expanding the eligible recipients of matching funds to include West Virginia State University in certain circumstances; modifying criteria for eligibility to receive certain matching funds; and requiring new legislative rule",

And,

By Delegates Iaquinta, Skaff, R. Phillips and Marshall:

H. B. 3164 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-4b, relating to allowing part-time outside employment for full time prosecuting attorneys as long as it does not create a conflict of interest for the official".

LEAVES OF ABSENCE

At the request of Delegate Boggs, and by unanimous consent, leaves of absence for the day were granted Delegates Ferns, Fragale and Pasdon.

At 6:29 P.M., the House of Delegates adjourned until 1:00 P.M., Monday, April 1, 2013.