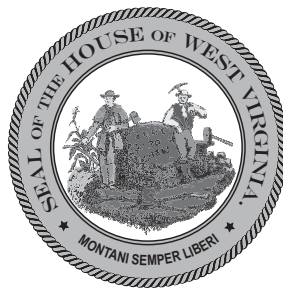


West Virginia Legislature

JOURNAL  
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March 9, 2017  
THIRTIETH DAY



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Thursday, March 9, 2017

**THIRTIETH DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, March 8, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Finance has had under consideration:

**H. B. 2500**, Supplementary appropriation to the Department of Health and Human Resources, Division of Human Services,

And,

**H. B. 2501**, Supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program,

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

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

Your Committee on Finance has had under consideration:

**H. B. 2119**, Repealing West Virginia Health Benefit Exchange Act,

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

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

Your Committee on Finance has had under consideration:

**H. B. 2007**, Eliminating courtesy patrol programs,

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

**Com. Sub. for H. B. 2007** – “A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating courtesy patrol programs operated by the Division of Highways and the Parkways Authority,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

**H. B. 2720**, Allowing the School Building Authority to transfer funds allocated into the School Construction 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. 2720) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 2574**, Middle School Technical Education Program 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. 2574) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2773**, Relating to purchase of inmate-made goods by state agencies,

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. 2773) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2538**, Relating to the licensure of physician assistants,

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

**Com. Sub. for H. B. 2538** - "A Bill to amend and reenact §30-3E-4, §30-3E-6 and §30-3E-7 of the Code of West Virginia, 1931, as amended, all relating to the licensure of physician assistants,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2518**, Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations,

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

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

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

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

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. 2771) was referred to the Committee on Education.

### 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. 198** – "A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to expansion of the Health Sciences Service Program to allow for persons who practice emergency medicine in underserved areas of the state"; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 280** - "A Bill to repeal §29-2A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-1K-1, §15-1K-2, §15-1K-3, §15-1K-4, §15-1K-5, §15-1K-6, §15-1K-7, §15-1K-8 and §15-1K-9, all relating to the West Virginia wing of the Civil Air Patrol; eliminating the State Aeronautics Commission's authority to expend funds to support the West Virginia wing of the Civil Air Patrol; providing for legislative findings and intent; defining terms; providing for the Adjutant General to administer the West Virginia wing of the Civil Air Patrol; providing the Adjutant General the authority to expend appropriated funds to provide certain support to the West Virginia wing of the Civil Air Patrol; providing for unpaid Civil Air

Patrol leave and the protection of employees performing Civil Air Patrol missions; providing that employers may not discriminate based on an employee's membership in the Civil Air Patrol; and providing that an employee may bring a civil action to enforce the provisions of this article but shall not recover monetary damages"; which was referred to the Committee on Veterans' Affairs and Homeland Security 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. 338** - "A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-6, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended, all relating to medical professional liability; defining the term 'occurrence' in medical professional liability causes of action; providing for statute of limitations on certain actions for medical professional liability; establishing venue in claims against certain health care providers; addressing screening certificates of merit in certain medical professional liability causes of action; tolling the statute of limitations under certain circumstances; establishing the effective date; and providing for severability"; 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. 358** - "A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-6, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended, all relating to medical professional liability; defining the term 'occurrence' in medical professional liability causes of action; providing for statute of limitations on certain actions for medical professional liability; establishing venue in claims against certain health care providers; addressing screening certificates of merit in certain medical professional liability causes of action; tolling the statute of limitations under certain circumstances; establishing the effective date; and providing for severability"; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates G. Foster, Cowles, O'Neal, Walters, Overington, Howell and Hanshaw offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 72** – "Requesting the Joint Committee on the Judiciary study the feasibility of authorizing the House Clerk to make nonsubstantive alterations to the code, specifically, correcting spelling errors and outdated or improperly numbered internal code references."

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on the Judiciary is hereby requested to study the feasibility of authorizing the House Clerk to make nonsubstantive alterations to the code, specifically, correcting spelling errors and outdated or improperly numbered internal code references; and, be it

*Further Resolved,* That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2018, on its findings and conclusions; 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 Hartman, Iaquinta, Lynch, Sponaugle and Pyles 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 that Bridge Number: 42-23-2.73 (42A045) (38.90822, -79.86085), locally known as Southgate Bridge, carrying County Route 23 over Tygart Valley River in Randolph County, West Virginia, be named the ‘U S Army Air Corps PVT William James Irwin, Memorial Bridge’.”

Whereas, PVT William James Irwin was born on April 20, 1923, in Elkins, WV, and reared and educated in Randolph County, the son of John and Mabel Irwin. He graduated from Elkins High School on May 23, 1941, and was sworn into the United States Army Air Corps, June 14, 1941. While serving in the U.S. Army Air Corps as a member of 27th Bombardment Group (Light), 91st Bombardment Squadron in the Philippine Islands, until he was reported missing in action on May 7, 1942, when Corregidor Island fell to Japanese Forces. PVT William James Irwin while in captivity of Japanese forces, forced marched in the Bataan Death March and then died in a prisoner of war camp at O’Donnell in the Philippine Islands on May 24, 1942. He was one of several hundred West Virginia residents and one of over 20 Randolph County residents to make the ultimate sacrifice for his county during World War II in the Pacific Theatre; and

Whereas, PVT William James Irwin, on the date of death, left his father and mother John and Mabel Irwin, brothers Jim Irwin, Gary Irwin, John Irwin, Robert Irwin, Fredrick Irwin, and sister Margaret Irwin, and is now survived by brothers Gary Irwin and James Irwin; and

Whereas, The ultimate sacrifice of this brave and courageous son of Randolph County, West Virginia, should not go unnoticed and the naming of a bridge is a proper way to honor PVT William James Irwin and by ensuring that future generations are aware of his sacrifice in the cause of freedom; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested that Bridge Number: 42-23-2.73 (42A045) (38.90822, -79.86085), locally known as Southgate Bridge, carrying County Route 23 over Tygart Valley River in Randolph County, West Virginia, be named the “U S Army Air Corps PVT William James Irwin Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and placed on the bridge signs identifying it as the “U S Army Air Corps PVT William James Irwin, Memorial Bridge;” and, be it

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

Delegates Marcum, Phillips, Westfall, R. Miller, Frich, Dean, McGeehan, Folk, Butler, Hamilton and Eldridge offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 74** – “Requesting the Division of Highways to name Bridge Number: 30-119-14.28 (30A132) (37.77335, -82.20450), locally known as Myrtle Bridge, carrying US 119 over Trace Fork in Mingo County, the ‘James L. “Bud” Hall, Sr. Memorial Bridge’.”

Whereas, James L. "Bud" Hall, Sr. was born in Delbarton, West Virginia on April 24, 1921, to the late Silas Hall and Lucretia Vernatter Hall; and

Whereas, Bud answered the call to serve his country during World War II, deploying twice to France including the Normandy Theater; and

Whereas, Bud's military service ended in France when his jeep hit a land mine, killing all aboard but himself; and

Whereas, Bud suffered severe injuries in the blast, losing an eye and requiring surgery to replace part of his skull with a metal plate; and

Whereas, Like so many other young men sent to war, Bud suffered psychological trauma for the remainder of his life; and

Whereas, Despite the horrors he experienced, Bud persevered and raised a beautiful family with his beloved wife Janie, including daughters Audrey, Sarah and Margaret and sons James and Tom; and

Whereas, Bud left a lasting impact on those that knew him best including his son-in-law, friend and confidante, Robbie Mahone; and

Whereas, Bud's life and his service is an enduring tribute to his community, his family 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: 30-119-14.28 (30A132) (37.77335, -82.20450), locally known as Myrtle Bridge, carrying US 119 over Trace Fork in Mingo County, the "James L. 'Bud' Hall, Sr. Memorial Bridge."

*Further Resolved*, That the Commissioner of Highways is hereby requested to have made and be placed signs at both ends of the bridge identifying the bridge as the "James L. 'Bud' Hall, 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 Secretary of Transportation and the Commissioner of Highways.

Delegates Walters, Maynard, Folk, McGeehan, Dean, Ambler, Bates, Blair, Boggs, Butler, Byrd, Canestraro, Cooper, Criss, Deem, Diserio, Eldridge, A. Evans, E. Evans, Fluharty, G. Foster, Sypolt, Hamilton, Hamrick, Harshbarger, Hartman, Hollen, Hornbuckle, Householder, Howell, Lane, Lewis, Longstreth, Love, Lynch, Marcum, C. Miller, R. Miller, Moye, Nelson, Overington, Paynter, Phillips, Pushkin, Robinson, Rodighiero, Rowe, Sponaule, Upson, Westfall, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 75** – "Requesting the Commissioner of Highways to increase the speed limit on highways to 75 miles per hour where appropriate."

Whereas, The Commissioner of Highways is authorized by section two, article six-c, chapter seventeen-c of the Code of West Virginia to establish speed limits on West Virginia highways and the maximum speed limit on those highways is currently 70 miles per hour; and



Whereas, The maximum speed limit on West Virginia highways has been 75 miles per hour in years gone by on roads that are not as able to safely handle those speeds; and

Whereas, The existing highway system is far better adapted to accommodate the higher speeds; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of Highways is requested to increase the speed limit on highways to 75 miles per hour where appropriate; and, be it

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

Delegates Caputo, Ferro, Ward, Paynter, Maynard, Lane, Sponaugle, Miley, Pethtel, Hornbuckle, Thompson, Ambler, Atkinson, Baldwin, Barrett, Bates, Blair, Boggs, Brewer, Byrd, Canestraro, Diserio, Eldridge, E. Evans, Fast, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hill, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, R. Miller, Moye, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sobonya, Walters and Williams offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

**H. C. R. 76** – “Urging the United States Congress to keep America’s promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned.”

Whereas, In 1946, faced with the prospect of a long strike that could hamper post-war economic recovery, President Harry Truman issued an Executive Order directing the Secretary of the Interior to take possession of all bituminous coal mines in the United States and to negotiate with the United Mine Workers of America “appropriate changes in the terms and conditions of employment.” After a week of negotiations, the historic Krug-Lewis agreement was announced and signed in the White House with Truman as a witness. The agreement created a welfare and retirement fund that guaranteed lifetime payments to miners and their dependents and survivors in cases of sickness, permanent disability, death or retirement and the agreement also created a separate medical and hospital fund. In 1947, the government returned control of the mines back to their owners and a new collective bargaining agreement was reached with the companies that guaranteed retirement benefits to miners and their dependents and survivors for life. For the next seventy years miners bargained for money to be dedicated to their health care in retirement, because they knew when they retired they would be sicker than the average senior citizen, with more nagging injuries and a greater risk of black lung or some other cardio-pulmonary disease. The federal government has repeatedly confirmed its role in guaranteeing retirement benefits for coal miners. In 1992, Congress passed and President George H. W. Bush signed into law the Coal Act, which established an industry-funded mechanism for paying for the health care of retirees whose companies had gone out of business. In 2006, Congress and President George W. Bush amended the Coal Act to expand the financial resources available to the Fund; and

Whereas, A depression reigns in America’s coalfields today, with tens of thousands of jobs eliminated. Multiple companies have filed for bankruptcy, and received approval from bankruptcy courts to shed their retiree obligations, leaving more than 26,000 retirees confronting the loss of their health care benefits. Like many other multiemployer pension funds, the UMWA 1974 Pension Fund lost a significant portion of its value in the 2008-09 recession and due to the devastation of the coal industry will not receive enough contributions from the employers to make up the shortfall, leading the fund to likely become insolvent by 2022. On December 9, 2016, Congress passed a Continuing

Resolution (C.R.) to continue funding for federal programs and services until April 28, 2017, including a provision providing \$45 million for continued health care benefits for these retirees and their families until April 30, 2017. Senators Joe Manchin (D-W.Va.) and Shelley Moore Capito (R-W.Va.) have introduced legislation, SR. 175, the Miners Protection Act, co-sponsored by Republicans and Democrats that would amend the Coal Act to allow retirees from recently bankrupt companies to get health care coverage from the UMWA Health and Retirement Funds and would repurpose the balance of an existing appropriation to provide funding to shore up the Pension Plan. Rep. David McKinley (R-W.Va.) has introduced the Miners Protection Act in the House as H.R. 179, co-sponsored by both Republicans and Democrats; and

Whereas, America's coal miners have sacrificed much for our nation, with more than 105,000 killed on the job in the last century and more than 100,000 having died from coal workers' pneumoconiosis, or Black Lung. Knowing those risks, miners have continued to go to work every day to provide for their families, build a secure future for themselves and produce the fuel that has allowed America to become the most powerful nation on earth. America has an obligation to our retired coal miners for the sacrifices they have made for our nation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the United States Congress is urged to keep America's promise to our retired coal miners and widows and to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this Resolution to the members of the United States Senate and House of Representatives.

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

**H. C. R. 77** – "Requesting the Division of Highways to name bridge number 30-3/5-16.65 (30A020) (37.91287, -82.25294), locally known as Breeden Tunnel Girder, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the 'US Army SGT Benny Fleming Memorial Bridge'."

Whereas, Sergeant Fleming was born on June 9, 1948, to Goodlow and Lora Evans Fleming of Wilsondale and passed away August 30, 2013; and

Whereas, Sergeant Fleming was a lifelong resident of Mingo County and it was there that he raised a family and made a living as a coal miner. Throughout his life, he overcame many obstacles, all while maintaining a great attitude. This made him the man he would eventually become; and

Whereas, As a young boy, Sergeant Fleming spent his days exploring the very countryside he would eventually call home. He attended Lowney Grade School near his family home, and graduated from Lenore High School in 1966. That same year, he enlisted in the U.S. Army. In the five years he served, he was promoted to the level of Army Sergeant E-5, served in Vietnam, and eventually received an honorable discharge. After returning home, he worked for the West Virginia Department of Highways; and

Whereas, Sergeant Fleming began working underground in the coal mines in the early to mid-1970s, when the danger of working underground was at its highest. He worked for Dehue Mines in Logan until they closed, and then went to work at Rawl Sales Rocky Hollow for nearly fifteen years until he suddenly became sick while on vacation with his family. He was diagnosed with transverse

myelitis. After spending months in the hospital, and at a rehabilitation center, he was left paralyzed from the waist down, and confined to a wheelchair; and

Whereas, When faced with an obstacle such as this, most people would have given up, but not Sergeant Fleming. He had to learn how to use his hands again, and how to sit up again. He learned how to cook, clean, do laundry, and be self-sufficient. Eventually, he would mow his own grass, and the grass of his sister, just to keep busy. He also became active in helping facilities become handicapped accessible. It was very important to him to be able to get in and out of places without having to ask for assistance; and

Whereas, Sergeant Fleming had two daughters, Mabelle and Teresa. He loved them dearly. They married and had children of their own. Mabelle had his first grandchild, Jarrid, in 1991. This gave Benny something to get stronger for, and something to look forward to. Jarrid was his whole world. He would spend weekends with Benny, and he would feed him, bathe him, and change his diaper, all while being confined to a wheelchair; and

Whereas, Five years later, Mabelle had Sergeant Fleming's second grandchild, Seann Cameron. He and Benny spent their time fishing, riding four wheelers, and Benny would point out deer and bear tracks to his grandson. Some weekends, Benny would keep both boys. That was when he was at his happiest; and

Whereas, In August of 1998, Teresa had Sergeant Fleming's third grandchild, a boy named Carson. Just as he did with the grandsons before him, Sergeant Fleming loved to spend time with him, watching him play basketball and talk about trains. He too would spend the night with Benny, and he would see to it that he was well taken care of; and

Whereas, Because of his grandkids, the last years of Sergeant Fleming's life were his happiest. In 2002, he was the official scorekeeper for his grandson Jarrid's baseball team, and never missed a game. He traveled to the away games, as well as the home games, and treated Jarrid's teammates as if they were his own. He would buy the kids drinks, hotdogs, and candy at the games, and they loved him as if he were their own grandpa. He also spent time with his companion and life partner, Cathy Perry. They were at their happiest when spending time outdoors and sharing memories; and

Whereas, In his last few years, Sergeant Fleming began reflecting on his life. He began compiling notes and started the process of writing a short story about the life and times of growing up in the 1950s. He titled it "Growing Up Lowney." It tells the story of when he was young, and going to Lowney Grade School near his childhood home. He goes into great detail, and tells everything he can remember of growing up in that area of Mingo County. He typed the story himself, and surprised his children and grandchildren each with a copy. The seven-page story is Benny's legacy. It is a small glimpse into the type of man that he was. Although confined to a wheelchair for the last twenty-five years of his life, Benny overcame many obstacles with the love and support of his family. He overcame them to become a loving father, extraordinary grandfather, and outstanding member of the community, all with a smile on his face; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Sergeant Fleming. With his short story titled "Growing Up Lowney," and the bridge known as the Lowney Singing Bridge, the irony is clear. It would be a testament to the strong, loving family man that was taken from us way too soon; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 30-3/5-16.65 (30A020) (37.91287, -82.25294), locally known as Breeden Tunnel Girder, carrying County Route 3/5 over the

West Fork of Twelvepole Creek in Mingo County, the "U.S. Army SGT Benny Fleming Memorial Bridge"; and, be it

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

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

Delegates Moye, Bates, Arvon, Ellington, Love, O'Neal, Kessinger, Shott and Cooper offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 78** – "Requesting the Division of Highways to name the Bridge Number 41-16-14.36 (PipeBridge) (37.74369, -81.22630), locally known as Crab Orchard Creek Pipe, carrying WV 16 over Crab Orchard Creek in Raleigh County as the 'Almond Brothers and Family Veterans Bridge'."

Whereas, John William Almond, Levi Garfield "Al" Almond, Richard Ray Almond, Frederick Lee Almond, Robert Loren "Jack" Almond and Gerald Ross Almond were brothers from Raleigh County, the sons of Levi and Jennie Almond; and

Whereas, All six Almond brothers served in the U.S. Armed Forces; and

Whereas, John W. Almond served in the Navy from October 1943 through February 1946; and

Whereas, Levi G. Almond served in the Navy from July 1941 through October 1945; and

Whereas, Richard R. Almond served in the Army/Air Force from February 1946 through December 1947; and

Whereas, Frederick L. Almond served in the Air Force from November 1947 through January 1959 and in the National Guard from January 1959 through March 1986; and

Whereas, Robert L. Almond served in the United States Army from January 1949 through June 1952 during the Korean War and then reenlisted in the Navy from January 1955 through July 1972; and

Whereas, Gerald R. Almond served in the Air Force from June 1952 through February 1959 and was killed while piloting a jet; and

Whereas, Service to country is a family tradition for the Almond brothers, their three sons and other family members serving in various branches of the Armed Services; and

Whereas, It is fitting to honor John William Almond, Levi Garfield "Al" Almond, Richard Ray Almond, Frederick Lee Almond, Robert Loren "Jack" Almond and Gerald Ross Almond for their service to their community, their state and their country by naming the bridge near MacArthur in Raleigh County on WV State Route 16 where it crosses Whitestick Creek as the "Almond Brothers and Family Veterans Bridge"; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name the Bridge Number 41-16-14.36 (PipeBridge) (37.74369, -81.22630), locally known as Crab Orchard Creek Pipe, carrying WV 16 over Crab Orchard Creek in Raleigh County as the “Almond Brothers and Family Veterans Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge, both east bound and west bound, as the “Almond Brothers and Family Veterans 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.

### **Bills Introduced**

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

**By Mr. Armstead (Mr. Speaker), and Delegates Hanshaw and Ambler:**

**H. B. 2869** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-15b, relating to providing that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency”; to the Committee on the Judiciary.

**By Delegates G. Foster and Hanshaw:**

**H. B. 2870** - “A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-3C-1 of said code; to amend and reenact §28-1-2 of said code; to amend and reenact §33-4-20 of said code; to amend and reenact §48-9-201 and §48-9-205 of said code; to amend and reenact §61-2-14h of said code; to amend and reenact §61-6-25 of said code, all relating to addressing certain cross references in the code that are no longer correct with regard to definitions of ‘child abuse and neglect’, ‘child abuse or neglect’, ‘juvenile offender’, ‘delinquent’, ‘child abuse’, ‘domestic violence’, ‘abused child’ and ‘child sexual abuse’”; to the Committee on the Judiciary.

**By Delegates Walters, Nelson, Gearheart, Householder and Overington:**

**H. B. 2871** - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency active employee premiums by setting a maximum eighty percent employer share and a minimum twenty percent employee share”; to the Committee on Banking and Insurance then Finance.

**By Delegates Espinosa, Upson, Moore, Wilson, Zatezalo, Householder, Dean, Blair, Folk, McGeehan and Storch:**

**H. B. 2872** – “A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to changes in distribution of net terminal income, excess net terminal income and excess lottery fund”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2873** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-16a, relating to alternate sentencing for nonviolent felony offenders”; to the Committee on the Judiciary then Finance.

**By Delegates Lynch, Longstreth, Moye, Marcum, Dean, Pyles, Iaquina, Ferro, Williams, Hollen and Phillips:**

**H. B. 2874** - "A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended, relating to the definition of 'Managed Timberland'; and providing that property that is described as 'any tract or parcel of real estate that is being leased by the owner to another party for monetary gain' is not considered as managed timberland"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Westfall:**

**H. B. 2875** - "A Bill to repeal §18-2A-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-2A-1, §18-2A-2, §18-2A-3, §18-2A-4, §18-2A-5, §18-2A-6, §18-2A-7 and §18-2A-8 of said code, all relating to the selection and purchase of instructional educational resources; defining instructional resources; requiring publishers to file statement of instructional resources with State Board of Education; prohibiting publishers from violating article and providing monetary penalty for violating article; permitting supplemental instructional resources to be used in public schools; requiring State Board of Education to establish a policy setting criteria required for instructional resources; allowing county boards of education to adopt instructional resources for use in schools, requiring county boards of education to adopt a policy regarding instructional resource adoption; prohibiting board of education employees from acting as sales agents for publishers of instructional resources and providing penalty for violation"; to the Committee on Education.

**By Delegates Rowe, Frich, Caputo, Pyles and White:**

**H. B. 2876** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-2-10, relating to creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state; creating a 'New College Families' loan forgiveness program; and creating a loan forgiveness program for counties with low college attendance"; to the Committee on Education then Finance.

**By Delegates White and Westfall:**

**H. B. 2877** - "A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to fees collected to conduct criminal background checks"; to the Committee on the Judiciary.

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

**[By Request of the Executive]:**

**H. B. 2878** - "A Bill to amend and reenact §17-17A-1 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of authorized Federal Grant Anticipation Notes the Division of Highways may apply for from \$200 million to \$500 million"; to the Committee on Finance.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2879** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating to authorizing the Governor to issue executive orders to furlough state employees"; to the Committee on Government Organization then Finance.

**By Delegates Howell, Frich, Dean, Harshbarger, Hill, G. Foster, Martin, Hamrick, Arvon, Criss and Sybolt:**

**H. B. 2880** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to requiring the Division of Natural Resources to create and publicly post an inventory of areas in state-managed forests and wildlife areas where the operation of off-highway vehicles by the public is permitted"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Howell, Frich, Dean, Hill, G. Foster, Martin, Hamrick, Arvon, Criss, Lewis and Rohrbach:**

**H. B. 2881** - "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, relating to robotic technology; making findings; defining terms; and establishing minimum safety standards for the design of any robot operated in the state"; to the Committee on Industry and Labor then Government Organization.

**By Delegates Howell, Walters, Hamrick, Householder, Butler, Lewis, Atkinson, Maynard, Ward, Lynch and Criss:**

**H. B. 2882** - "A Bill to repeal §17C-15-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-16-4, §17C-16-5 and §17C-16-6, of said code, all relating to changing the frequency with which vehicles must be inspected; requiring only used motor vehicles to receive inspection upon purchase; eliminating requirements for new motor vehicles to be inspected; directing inspection fees to be placed in general revenue fund; limiting number of inspection station inspectors employed by the Superintendent of the West Virginia State Police; altering calculation for imposing inspection fees; and repealing section related to stickers for modified vehicles"; to the Committee on Roads and Transportation then Finance.

**By Delegates Householder, O'Neal, Sypolt, Upson, G. Foster, Blair and Higginbotham:**

**H. B. 2883** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3, §30-1E-4 and §30-1E-5, all relating to professions and occupations; creating the Freedom to Prosper Act; and limiting the authority of political subdivisions of the state to create new occupations fees or licensing requirements or otherwise regulated certain professions"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Overington, Moore, Householder, Espinosa, Cowles, Blair, Upson, Barrett, Frich, Statler and Wilson:**

**H. B. 2884** - "A Bill to amend and reenact §10-1-20 of the Code of West Virginia, 1931, as amended, relating to requiring funding by the West Virginia Library Commission to local libraries be based on the population served by each respective library; and requiring population adjustments be made every five years"; to the Committee on Political Subdivisions then Finance.

**By Delegates Rowe, Pyles and Pushkin:**

**H. B. 2885** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, relating to designation of social workers in the Department of Health and Human Services to promote better student school attendance and performance, and the health and well-being of students at home; duties described; limitation on use of information obtained"; to the Committee on Education then Finance.

**By Delegates Espinosa, Moye, Cooper, Wilson, Dean, R. Romine and Westfall:**

**H. B. 2886** - "A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to generally applied associate of science degrees that target workforce needs; authorizing certain schools to grant applied associate of science degrees that target workforce needs; requiring the West Virginia State Board of Education to promulgate rules setting the minimum standards for granting applied associate of science degrees that target workforce needs; and limiting the schools that grant applied associate of science degrees that target workforce needs to vocational technical schools which are accredited by the appropriate nationally recognized accrediting agency or association approved by the United States Department of Education"; to the Committee on Education.

**By Delegates Espinosa, Statler, Walters, Upson, Blair, Wilson, Cooper and Higginbotham:**

**H. B. 2887** - "A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to retirement and separation incentives"; to the Committee on Education.

**By Delegates Walters, Howell, Phillips, Folk, Hamrick, Frich and Wilson:**

**H. B. 2888** - "A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended, relating to removing the restriction on liquor licensees from having speakers outside or playing music outdoors"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Howell, Shott, Hamrick, Arvon, Storch, Ward, Lewis, Maynard, Ferro, Lynch and Criss:**

**H. B. 2889** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-14-15a, relating to allowing military veterans with certain military ratings to qualify for examinations required of a probationary police officer"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

**By Delegates Lovejoy, Sobonya, C. Romine, Rohrbach, Hornbuckle, Canestraro, Thompson, Hicks, Isner and Baldwin:**

**H. B. 2890** - "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 general structure of fund and distribution of funds; and providing for rulemaking"; to the Committee on Finance.

**By Delegates R. Miller, Canestraro, Hollen, Summers, Marcum, Robinson, Eldridge and Isner:**

**H. B. 2891** - "A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, all relating to including electronic communications to and from inmates with the types of communications that the Division of Corrections currently monitors and may record, retain and, for certain law-enforcement purposes, disclose"; to the Committee on the Judiciary.

**By Delegates Folk and McGeehan:**

**H. B. 2892** - "A Bill to amend and reenact §51-1-4a of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Bar; and removing requirement that persons who pass the bar in West Virginia be members of the West Virginia State Bar in order to practice law in this state"; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2893** - "A Bill to amend and reenact §19-12A-6a of the Code of West Virginia, 1931, as amended, relating to the Land Division of the Department of Agriculture; and increasing the amount of money this division may retain from various sources"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Hill, Martin, Atkinson and Caputo:**

**H. B. 2894** - "A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; to amend and reenact §60-4-3b of said code; and to amend and react §60-8-4 of said code, all relating to the collection of taxes on wine and intoxicating liquors; providing that no wine or liquor excise tax shall be collected on purchases of wine or intoxicating liquors in the original sealed package for the purpose of resale, if the final purchase of such wine or intoxicating liquor is subject to the excise tax; providing that no liter tax shall be collected on wine sold in the original sealed package for the purpose of resale, if the subsequent sale of such wine is subject to the liter tax; and defining terms"; to the Committee on the Judiciary then Finance.



**By Delegates Brewer, Ferro, Boggs, Caputo, Moye, Eldridge, Hartman, Diserio, Pushkin, Williams and Rodighiero:**

**H. B. 2895** - "A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6 and §21-5G-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-1A-3 and §21-1A-4 said code, all relating to restoring employees' rights associated with agreeing to be represented by a labor organization; and providing that employees being represented by an elected representative union pay their share for representation to the labor organization"; to the Committee on Industry and Labor then the Judiciary.

**By Delegates G. Foster, Lane, Paynter, Butler, Rowe and Criss:**

**H. B. 2896** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-11, relating to requiring a warning light to be erected on certain roads to warn of a traffic light ahead"; to the Committee on Roads and Transportation then the Judiciary.

**By Delegates Criss and Lane:**

**H. B. 2897** - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, to amend and reenact §8-16-5 of said code; to amend and reenact §16-12-11 of said code; to amend and reenact §16-13-3 of said code; and to amend and reenact §16-13A-7 of said code, all relating to raising the amount required for competitive bidding of construction contracts by the state and its subdivisions from \$25,000 to \$50,000; raising the amount required for competitive bidding of construction contracts by municipalities from \$25,000 to \$50,000; exempting municipalities from competitive bidding of construction contracts in emergency situations; raising the amount required for competitive bidding of construction contracts by sanitary districts for sewage disposal from \$500 to \$50,000; exempting sanitary districts for sewage disposal from competitive bidding of construction contracts in emergency situations; raising the amount required for competitive bidding of sanitary board construction contracts from \$10,000 to \$50,000; excepting public service districts from competitive bidding for emergency repairs; and raising the amount required for competitive bidding of public service district construction contracts from \$25,000 to \$50,000; and exempting sanitary boards from competitive bidding of construction contracts in emergency situations"; to the Committee on Industry and Labor then Government Organization.

**By Mr. Armstead (Mr. Speaker):**

**H. B. 2898** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-3-6, relating to authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature"; to the Committee on the Judiciary.

**By Delegate Miley**

**[By Request of the Executive]:**

**H. B. 2899** - "A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; to amend said code of by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7 and §5B-2I-8, all relating to the reorganization of the Division of Tourism; transfers all powers and duties of the Tourism Commission to the new West Virginia Tourism Office; requiring quarterly meetings; restructuring the Tourism Advertising Partnership Program as a cooperative advertising program administered by the West Virginia Tourism Office; vesting in the Executive Director all authority for expenditures of funds in the Tourism Promotion Fund; and requiring confidentiality of certain private information"; to the Committee on Government Organization then Finance.

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

**H. B. 2900** - "A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10 and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 of said code; to amend said code by adding thereto two new sections, designated §-5A-6-4d and §5A-6-4e; and to amend and reenact §18B-4-2 of said code, all relating to the Office of Technology; dissolving the Information Services and Communications Division; authorizing the Chief Technology Officer to assess fees for services provided; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; requiring the Chief Technology Officer to oversee the West Virginia Network for Educational Telecomputing; directing the deposit of any moneys received for services; creating a special revenue account for administration of telecommunications services; authorizing the Chief Technology Officer to review an pay uncontested amounts due for telecommunications services; providing a process for state spending units to contest amounts due; authorizing the Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; and authorizing a special fund to receive moneys for services provided by the agency"; to the Committee on Government Organization then Finance.

**By Delegates Sponaugle, Caputo, Hartman, Phillips, McGeehan, A. Evans, Longstreth, Baldwin, Iaquina, Butler and Williams:**

**H. B. 2901** - "A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to giving all honorably discharged veterans ten extra points when successfully completing a civil service examination"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

**By Delegates Atkinson, Cooper, Ambler, Ward, Hollen, Wagner, Sypolt, Kelly, Eldridge, R. Miller and Criss:**

**H. B. 2902** - "A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring county school boards to provide adequate mental health and counseling services in the form of the employment of a psychologist or psychiatrist to pupils to address issues stemming from rampant drug abuse"; to the Committee on Education then Prevention and Treatment of Substance Abuse.

**By Delegates G. Foster, N. Foster, Higginbotham, Butler and Maynard:**

**H. B. 2903** - "A Bill to amend and reenact §7-11-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-12-3 and §7-12-3a of said code; and to amend and reenact §8A-2-3 of said code, all relating to limiting the maximum number of appointees to certain county and municipal bodies; and imposing quorum requirements on certain county and municipal bodies"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Ellington:**

**H. B. 2904** - "A Bill to repeal §16-2D-5c and §16-2D-5f of the Code of West Virginia, 1931, as amended; to repeal §16-29I-1, §16-29I-2, §16-29I-3, §16-29I-4, §16-29I-5, §16-29I-6, §16-29I-7, §16-29I-8, §16-29I-9 and §16-29I-10 of said code; to amend and reenact §5F-1-3a of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §9-4C-7 of said code; to amend and reenact §11-27-9 and §11-27-11 of said code; to amend and reenact §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-13 and §16-2D-16; to amend and reenact §16-5F-2, §16-5F-3, §16-5F-4, §16-5F-5 and §16-5F-6 of said code; to amend and reenact §16-29B-3, §16-29B-5, §16-29B-6, §16-29B-7, §16-29B-8, §16-29B-9, §16-29B-10, §16-29B-11, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15, §16-29B-24, §16-29B-25 and §16-29B-26 of said code; to amend said code by adding thereto two new sections, designated §16-29B-5a and §16-29B-12a; to amend and reenact

§16-29G-2, §16-29G-4, §16-29G-5 and §16-29G-6 of said code, all relating generally to the Health Care Authority; reorganizing the West Virginia Health Care Authority; replacing the salaried board of directors with a volunteer board of review; creating the position of Executive Director of the Health Care Authority as the administrative head of the authority; establishing a salary for the position of Executive Director; establishing the duties and powers of the Health Care Authority; establishing the board of review to adjudicate certificate of need applications; adding additional exemptions to the certificate of need review; clarifying certain provisions of the certificate of need review, including procedures for review and appeals of unfavorable determinations; updating provisions related to financial disclosures by health care facilities; authorizing the Secretary of the Department of Health and Human Resources to coordinate the gathering of information by the authority and other bureaus of the department; and correcting references to the authority; eliminating rate review from the authority of the Health Care Authority; repeal of the West Virginia Health Care Authority Revolving Loan and Grant Fund; making technical corrections; and updating code references"; to the Committee on Health and Human Resources then Finance.

**By Delegates Kessinger, Isner, Gearheart, Blair and Byrd:**

**H. B. 2905** - "A Bill to amend and reenact §7-1-14 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §7-10-1a and §7-10-6; and to amend and reenact §7-10-2 of said code, all relating to animal cruelty; requiring the maintenance of a public animal shelter; providing definitions; providing for the inspection of animal shelters by humane officers or others; establishing standards for animal shelters; providing consequences for failure to follow the standards"; to the Committee on the Judiciary.

**By Delegates Kessinger, Hill and Lane:**

**H. B. 2906** - "A Bill to amend and reenact §16-4C-1, §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-6c, §16-4C-8, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-20, §16-4C-21 and §16-4C-23 of the Code of West Virginia, 1931, as amended, all relating to the Office of Emergency Medical Services; transferring the Office of Emergency Medical Services from the Department of Health and Human Resources to the Department of Military Affairs and Public Safety; transferring responsibilities of the Commissioner of the Bureau for Public Health; continuing the Emergency Medical Services Advisory Council as the Emergency Medical Services Commission; providing for composition, authority and duties of the Emergency Medical Services Commission; and providing for qualifications for certain staff of Office of Emergency Medical Services"; to the Committee on Government Organization.

## House Calendar

### Third Reading

**Com. Sub. for H. B. 2503**, Relating to the rule-making authority for Board of Osteopathic Medicine; 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2503) 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. 2540**, Permitting a person to practice certain professions for limited time for a charitable function; 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. 74**), 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: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2540) 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. 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine; 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 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Love.

Absent and Not Voting: Ellington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2628) 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. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances; on second reading, coming up in regular order, was reported by the Clerk.

Delegates Fluharty and Sponaule moved to amend the bill on page eight, section two hundred four, by striking out line one hundred eight in its entirety, and renumbering the subsequent subdivisions accordingly.

On pages eight and nine, subsection two hundred four, by striking out lines one hundred fifty through one hundred fifty-eight in their entirety and renumbering subsequent subdivisions accordingly.

And,

On page twenty-eight, section two hundred ten, line one hundred two, following the period, by inserting the following:

“(g) Hallucinogenic substances-

(1) Marihuana; and

(2) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3, 4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)”

During the debate, points of order were raised regarding the content of the remarks of some Members. The Speaker replied and stated that he was granting some leeway but admonished Members to direct their remarks to the amendment before the House.

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

The yeas and nays having been ordered, they were taken (**Roll No. 76**), and there were—yeas 35, nays 64, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Dean, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hamilton, Hill, Hornbuckle, Iaquinta, Longstreth, Love, Marcum, McGeehan, Miley, Paynter, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Storch, Wagner and Williams.

Absent and Not Voting: Ellington.

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

The bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2554**, West Virginia Contractor Licensing 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. 2571**, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children’s expressive and receptive language acquisition; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2675**, Relating to primary elections and nominating procedures; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2706**, Authorizing 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.

**Com. Sub. for H. B. 2726**, Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order; 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. 2731**, Clarifying civil actions heard in circuit court; 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 Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Ellington.

**Miscellaneous Business**

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

Delegate Howell asked and obtained unanimous consent that the debate today regarding the amendment to Com. Sub. for H. B. 2526 be printed in the Appendix to the Journal.

Delegate Frich filed form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2007.

Delegate Maynard filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2180.

Delegate Thompson filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2195.

Delegate R. Miller filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2564, H. B. 2525 and H. B. 2558.

Delegate Robinson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2832.

Delegate Zatezalo filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 70.

Delegates Atkinson and Eldridge filed forms with the Clerk's Office per House Rule 94b to be removed as cosponsors of H. B. 2552.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2560.

Delegate Canestraro filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2832.

Delegate Thompson filed forms with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2832 and H. B. 2854.

At 2:29 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 10, 2017.

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



## **SPECIAL CALENDAR**

**Friday, March 10, 2017**

**31<sup>st</sup> Day**

**11:00 A.M.**

### **THIRD READING**

- Com. Sub. for H. B. 2526 - Classifying additional drugs to Schedules I, II, IV and V of controlled substances (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2554 - West Virginia Contractor Licensing Act (HOWELL) (JULY 1, 2017)
- Com. Sub. for H. B. 2571 - Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition (ESPINOSA) (REGULAR)
- H. B. 2675 - Relating to primary elections and nominating procedures (SHOTT) (REGULAR)
- H. B. 2706 - Authorizing legislative rules regarding higher education (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2726 - Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2731 - Clarifying civil actions heard in circuit court (SHOTT) (REGULAR)

### **FIRST READING**

- Com. Sub. for H. B. 2007 - Eliminating courtesy patrol programs (NELSON) (REGULAR)
- H. B. 2119 - Repealing West Virginia Health Benefit Exchange Act (NELSON) (REGULAR)
- H. B. 2500 - Supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2501 - Supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2518 - Creating a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL) (REGULAR)



**HOUSE CALENDAR**

**Friday, March 10, 2017**

**31<sup>st</sup> Day**

**11:00 A. M.**

**NO BILLS**



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**FRIDAY, MARCH 10, 2017**

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**HOUSE CONVENES AT 11:00 A.M.**

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**COMMITTEE ON JUDICIARY  
8:30 A.M. – HOUSE CHAMBER  
PUBLIC HEARING - H. B. 2522, Nurse licensure compact.**

**COMMITTEE ON JUDICIARY  
9:00 A.M. – ROOM 418M**

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

**COMMITTEE ON FINANCE  
9:00 A.M. – ROOM 460M**

**COMMITTEE ON EDUCATION  
9:00 A.M. – ROOM 434M**

**COMMITTEE ON RULES  
10:45 A.M. – BEHIND CHAMBER**

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