
Monday, February 22, 2016

FORTY-FIRST 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 Saturday, February 20, 2016, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

By Delegates Howell, R. Smith, Ihle, Hamrick and Pushkin:

H. B. 4674 — “A Bill to amend and reenact §17C-15-19 of the Code of West Virginia, 1931, as amended, relating to motor vehicle back-up lamps”.

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. 4594, Relating to predoctoral psychology internship qualifications,

And reports the same back with the recommendation that it 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. 4345, Repealing the West Virginia Permitting and Licensing Information Act,

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. 4345) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 4295, Relating to the School Innovation Zones Act,

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

Com. Sub. for H. B. 4295 – “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5B-14; and to further amend said code by adding thereto a new article, designated §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, §18-5E-6 and §18-5E-7, all relating to Innovation in Education Schools and Innovation Zones; terminating funding for Innovation Zones and Local Solution Dropout Prevention and Recovery Innovation Zones; setting forth purpose of Innovation in Education Act; defining innovation in education school; specifying minimum requirements; authorizing soliciting, accepting and expending gifts, donations and grants with certain limits to remain for use in school accounts; authorizing state board designation of innovation in education school; requiring state board rule for implementation and authorizing emergency rule if necessary; providing process for application process, minimum content, review and approval; requiring innovation in education plan as part of application; specifying plan minimum contents, components and requirements; requiring operational agreement between school principal and county board; specifying minimum contents of operational agreement; requiring evaluations of Innovation in Education designated schools; authorizing amendment and suspension of components of Innovation in Education plans; authorizing termination of designation of a school as an Innovation in Education school; authorizing designation of demonstration schools; creating Innovation in Education Fund; authorizing expenditures from Innovation in Education Fund; and authorizing investment of Innovation in Education Fund moneys,”

With the recommendation that the committee substitute do pass and that the second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4295) to the Committee on Finance was abrogated.

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. 4171, Relating to the public school calendar,

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

Com. Sub. for H. B. 4171 – “ A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to providing that school instructional terms for students begin no earlier than August 15 and end no later than June 15 except for schools operating on a balanced calendar; removing requirement that school instructional terms for students begin the day after Labor Day and end no later than the second Friday in June; designating one noninstructional day for teachers as a preparation day; allowing teacher preparation day to be used for any other purpose only at teacher’s discretion; increasing faculty senate time; designating time frames within which faculty senate meetings may take place; removing authority to plan ten technology days in school calendar for lost instructional days; removing the word “separate” throughout the section; requiring county boards to first use accrued minutes for early dismissals and late arrivals, and requiring that any reimagining student instructional days be exhausted prior to using accrued minutes for lost instructional days; limiting use of accrued minutes for lost instructional days to eight days,”

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. 259 – “A Bill to repeal §47-11A-1, §47-11A-2, §47-11A-3, §47-11A-4, §47-11A-5, §47-11A-6, §47-11A-7, §47-11A-8, §47-11A-9, §47-11A-10, §47-11A-11, §47-11A-12, §47-11A-12a, §47-11A-13 and §47-11A-14 of the Code of West Virginia, 1931, as amended, relating to unfair trade practices and the Unfair Trade Practices Act”; 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, 2016, and requested the concurrence of the House of Delegates in the passage, of

S. B. 352 – “A Bill to amend and reenact §11-24-43a of the Code of West Virginia, 1931, as amended, relating to dedication of corporation net income tax proceeds to railways; and specifying that dedication of corporation net income tax proceeds to railways expires and is void on and after January 1, 2016”; which was referred to 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. 431 – “A Bill to amend and reenact §16-46-3, §16-46-5 and §16-46-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-46-3a, all relating to authorizing pharmacist or pharmacy intern to dispense, pursuant to a protocol, an opioid antagonist without a prescription; requiring Board of Pharmacy, in consultation with Bureau for Public Health, to develop a protocol; requiring patient counseling; requiring educational materials; requiring documentation of distribution of opioid antagonists in West Virginia Controlled Substances Monitoring Program database; revising existing reporting requirements; providing limited liability to pharmacist and pharmacy interns; revising reporting requirements; and reorganizing existing code language”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 488 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to establishing protocols and protections to limit and treat injury to youth athletes and students; creating Leland’s Law; setting out legislative findings; establishing requirement for an emergency action plan at all high school and middle school athletic activities; defining certain terms; requiring promulgation of certain rules; and setting forth certain minimum provisions of rules”; 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 and requested the concurrence of the House of Delegates in the passage, of

S. B. 552 – “A Bill to amend and reenact §52-1-17 of the Code of West Virginia, 1931, as amended, relating to eliminating provisions requiring sheriff to pay into the State Treasury all jury costs received from court clerks; and requiring that the sheriff be held to account in the sheriff’s annual settlement for all moneys”; 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 July 1, 2016, and requested the concurrence of the House of Delegates in the passage, of

S. B. 553 – “A Bill to amend and reenact §33-2-21a of the Code of West Virginia, 1931, as amended, relating to the Volunteer Fire Department Workers (Compensation Subsidy Program and the Volunteer Fire Department Workers (Compensation Premium Subsidy Fund; and providing for the merger of the purposes and provisions of the subsidy program and the subsidy fund in the state agency (workers compensation programs section of the code”); 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. 573 – “A Bill to amend and reenact §8-6-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting municipal annexation which would result in an unincorporated territory entirely surrounded by the municipality”; which was referred to the Committee on Political Subdivisions 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

S. B. 579 – “A Bill to repeal §11-24-43a of the Code of West Virginia, 1931, as amended; to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-6, §17-16B-7a, §17-16B-7b, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21 and §17-16B-22 of said code; and to amend and reenact §17-16B-5, §17-16B-7 and §17-16B-8 of said code, all relating to eliminating the West Virginia Public Port Authority”; 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. 582 – “A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to providing a refundable exemption from the flat rate component of the state motor fuel excise tax on all gallons of motor fuel sold for use or consumed in railroad diesel locomotives; setting a cap on the exemption per year; and requiring a proportionate disbursement if claims exceed the cap”; 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. 597 – “A Bill to amend and reenact §5F-1-3a of the Code of West Virginia, 1931, as amended; 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 §16-5F-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-11, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15, §16-29B-17, §16-29B-18, §16-29B-19a, §16-29B-22, §16-29B-23, §16-29B-24, §16-29B-25 and §16-29B-26 of said code; to amend said code by adding thereto a new section, designated §16-29B-5a; to amend said code by adding thereto a new section, designated §16-29B-28; to amend and reenact §16-29G-2, §16-29G-5 and §16-29G-6 of said code; and to amend and reenact §16-29I-4 of said code, all relating generally to the Health Care Authority; employment of the members of the Board of the West Virginia Health Care Authority; providing authority to set salaries for board members; creating the position of Executive Director of the Health Care Authority; making the executive director the administrative head of the Health Care Authority; setting forth the

qualifications of the executive director; providing the executive director is appointed by the Governor with advice and consent of the Senate; providing the executive director reports to the Secretary of the Department of Health and Human Resources; placing the Health Care Authority under the Department of Health and Human Resources; adding the executive director to the Public Employees Insurance Agency Advisory Board; clarifying where the administrative duties of the Health Care Authority are to be carried out; clarifying that the board of Directors of the Health Care Authority is the adjudicatory arm of the Health Care Authority; requiring that the members of the board of directors be employed on a part-time basis; setting forth other employment requirements for the board of directors; expanding the board of directors from three to five members; setting forth qualifications for appointment to the board of directors; providing that the board of directors shall report to the executive director; establishing compensation for the board of directors; setting forth minimum hearing requirements before the board of directors; providing for recommended decisions by the board of directors to the executive director; setting forth executive director procedure for review and approval of recommended decisions of the board of directors; providing for remand of a decision; clarifying that the executive director has all rule-setting powers; providing for a study by the Health Care Authority of concerns of hospitals in border counties; requiring a comprehensive study of the certificate of need program, including possible elimination of certificate of need; making technical corrections; granting authority to the Health Care Authority to review proposed cooperative agreements; defining terms; setting out legislative findings and purpose; allowing cooperative agreements between hospitals and health care providers; setting forth goals of a cooperative agreement; establishing a review process for cooperative agreements; setting forth standards for review of cooperative agreements; granting enforcement powers over cooperative agreements to the Health Care Authority; providing for rulemaking; requiring reporting to the Health Care Authority; setting out what must be included in a report; allowing the Health Care Authority to render a decision regarding reduced competition when a cooperative agreement pertains to an acquisition, merger or combination of hospitals or health care providers; and updating code references"; which was referred to the Committee on Health and Human Resources.

Resolutions Introduced

Delegates Overington, Ambler, Anderson, Arvon, Atkinson, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Ellington, Espinosa, D. Evans, Faircloth, Fast, Folk, Foster, Frich, Gearheart, Hill, Householder, Howell, Ihle, Ireland, Kessinger, Kurcaba, Marcum, McCuskey, McGeehan, Miller, Moffatt, E. Nelson, Phillips, Rohrbach, Rowan, R. Smith, Sobonya, Stansbury, Statler, Summers, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 80 – “Calling on and applying to the United States Congress to call a convention of the states, under the authority reserved to the States in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.”

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a Republican form of government which gives each state equal standing when calling for an Amendments Convention. Article V of the Constitution of the United States reserves to the several states the right to call for a Convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a Convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration, and agenda for the Convention. Congress does not have the authority

to define a "Single Issue" Convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; and

Whereas, The Founders of our Constitution empowered State Legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the States to protect the liberty of our people—particularly for the generations to come—by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia hereby applies to Congress under the provisions of Article V of the Constitution of the United States, for the calling of a Convention of the States limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress. Absolutely no other business will be authorized at this convention; and, be it

Further Resolved, That the clerk forward a copy of this resolution, Legislative Call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That 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.

Delegates Eldridge, Phillips, Marcum, Rodighiero, Moffatt and J. Nelson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules.

H. C. R. 81 – "Requesting the bridge at the intersection of County Route 18, known as North Fork Road, and County Route 18/2, known as Ellis Fork Road, in Boone County, West Virginia, (latitude, longitude: 38.00947, -81.95537) be named the 'Hill Brothers Memorial Bridge'."

Whereas, Julian, Earl and Edward Hill were brothers, three of ten children born to Edward W. Hill and Annie L. Stollings Hill who farmed for a living in Boone County; and

Whereas, Julian Alba Hill was born on August 4, 1920, at North Fork of Big Creek, Boone County and worked at many different jobs until being drafted into the United States Army. Before joining the Army Julian Hill married Audrey Chapman and they had two children. When he was sent to Fort Worth, Texas for basic training, Audrey rode the train from Charleston to Texas taking along their two small children so they could be together prior to his departure overseas during World War II. After basic training, Julian Hill was sent to Germany where he refueled airplanes and later was sent into

combat with General Patton where he refueled tanks and other vehicles. He often spoke of the obstacles placed by Hitler to keep the United States Armed Forces from pushing their way through Germany towards Berlin. He returned from Germany on the USS Argentina in January 1946 and never talked of the fighting and what he had seen, but he suffered nightmares for many years after his return. After being discharged, Julian and Audrey Hill had a third child in 1949, and he became an over-the-road long haul truck driver, sometimes being gone for two full days at a time. Julian had a truck accident which forced an early retirement from truck driving. He was placed on disability by his company, and Senator Robert C. Byrd was instrumental in seeing that he also received Social Security disability benefits. Julian and Audrey Hill divorced in 1959. Following a brief second marriage which also ended in divorce, he later married Betty Smith. Julian loved camping and gospel and country music. He and Betty spent many years camping in West Virginia, Virginia and South Carolina. Their marriage lasted for forty years until his death in December 2010 at the age of ninety after a fall in a nursing home; and

Whereas, Earl Franklin Hill was born on April 22, 1923, at North Fork of Big Creek, Boone County and was inducted into the United States Army on January 12, 1943, and was honorably discharged on June 11, 1943, as Private First Class, Battery B, 225th AAA SL, Camp Davis, North Carolina under the Enlisted Mans importance to national security, health or interest and returned home early to care for his ill father and to farm for the nation's needs and because two brothers were then serving in the military. He married Naomi Ruth Stone on December 23, 1941, and they had six children one of whom, Richard, died at birth. The other children are Catherine Sue Hill, Sherry Grant Hill, Paul Wayne Hill, Earl F. Hill, II and Barbara Gail Hill. Naomi Hill passed away on November 26, 2006, and Earl Franklin Hill passed away on July 31, 2008, at the VA Hospital in Huntington; and

Whereas, Cebert Edward Hill was born on the Ellis Fork off the North Fork of Big Creek in Boone County on October 25, 1917. He completed the eighth grade in 1933, joined the United States Army Air Corp, serving from September 8, 1942. Following his basic training in Tampa, Florida, Edward Hill attained the rank of Private First Class in the 410th Army Air Force Base Unit and served as a Radio Operator, Area 4600 Underground Placement on Catalina Island, California and a Supply Clerk on St. Nicholas Island, California and received the Good Conduct Medal. He received his honorable discharge on April 26, 1945. In addition to being a farmer for most of his life, he was also a mail carrier for four years from Banco to Danville, and worked for Grocers Wholesale Company, later named The Creasey Company, from 1954 until his retirement in 1981. He married Oma Lee Barker and they had six children, Gary A. Hill, Larry A. Hill, Judy K. Murphy, Jeanne C. Wagner, Eddy R. Hill and Lisa J. Black; and

Whereas, It is fitting that an enduring memorial be established to commemorate these native sons who served their state and their country so ably during World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge at the intersection of County Route 18, known as North Fork Road, and County Route 18/2, known as Ellis Fork Road, in Boone County, West Virginia, (latitude, longitude: 38.00947, -81.95537) the "Hill Brothers 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 "Hill Brothers 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 the families of Julian Hill, Earl Hill and Edward Hill and Cebert Edward Hill, age 97.

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

H. C. R. 82 – “Requesting the Division of Highways to name Bridge Number 23-119-15.56 (23A095) (37.97487, -82.01675), carrying US Route 119, over WV Route 10 near Chapmanville in Logan County, locally known as Chapmanville WV 10 O.P., as the ‘U.S. Army SPC David H. Stamper Memorial Bridge’.”

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

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

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

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

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

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

Resolved by the West Virginia Legislature:

That the Legislature hereby requests the Division of Highways to name Bridge Number 23-119-15.56 (23A095) (37.97487, -82.01675), carrying US Route 119, over WV Route 10 near Chapmanville in Logan County, locally known as Chapmanville WV 10 O.P., as the “U.S. Army SPC David H. Stamper Memorial Bridge”; and, be it

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

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of Transportation, the Commissioner of Highways and the family members of US Army Specialist David H. Stamper.

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

H. C. R. 83 – “Requesting the Division of Highways to name the bridge, bearing number 41-1-12.89 (41A006), originally known as the ‘Artie Bridge’, located at latitude 37.93155, longitude -81.36240 that intersects Clear Fork in Raleigh County on County Route 1 the ‘U.S. Air Force SMSgt Billie E. “Bunky” Hodge Bridge’.”

Whereas, Billie Hodge was born in the Town of Artie in Raleigh County in 1939; and

Whereas, Billie Hodge attended Clear Fork High School where he graduated valedictorian of his class while serving as President of the National Honor Society at Clear Fork; and

Whereas, Upon graduation from high school, Billie Hodge enlisted in the United States Air Force where he served in various duty locations, including Korea, Guam and Taiwan. He also served in various locations in the United States, including Nevada in the 1980s where he participated in the implementation of the U.S. Military's stealth aircraft technology; and

Whereas, Billie Hodge retired from the Air Force after serving therein for 26 years as a Senior Master Sergeant and moved his family back to his roots in Raleigh County where he demonstrated exceptional civic expression and community-based good works; and

Whereas, Billie Hodge took in scores of foster children over the years who needed a home and loving and tender care, which Billie and his wife were always willing to supply; and

Whereas, Billie Hodge passed away on September 23, 2015; and

Whereas, Billie Hodge left a legacy of good works and community leadership in multiple ways and it is only fitting that a lasting memorial be made to his exceptional life; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge, originally known as the "Artie Bridge," located at latitude 37.93155, longitude -81.36240 that intersects Clear Fork in Raleigh County on County Route 1, the "U.S. Air Force SMSgt Billie E. 'Bunky' Hodge 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 proclaiming the name to be the "U.S. Air Force SMSgt Billie E. 'Bunky' Hodge Memorial Bridge"; and, be it

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

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

H. C. R. 84 – "Requesting the Division of Highways to name Bridge Number 05-1/8-0.03 (05A079) (40.36929, -80.54590), locally known as Colliers Way Bridge, carrying County Route 1/8 over Harmon Creek in Brooke County, West Virginia, the 'U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge'."

Whereas, Mark Douglas Cool, of Colliers, West Virginia, was born January 7, 1949, and grew up to become a United States Marine; and

Whereas, Mark Douglas Cool was trained as a mortar man and served with the H&S Company, 1st Battalion, 26th Marines, 3rd Marine Division in Vietnam, reaching the rank of corporal; and

Whereas, Cpl Mark Douglas Cool died at the age of nineteen, March 2nd, 1968, from wounds received in hostile action in Quang Tri Province in South Vietnam; and

Whereas, Cpl Mark Douglas Cool's name is found at Panel 42E, Line 28 on the Vietnam Veterans Memorial; and

Whereas, Cpl Mark Douglas Cool was awarded the Purple Heart, National Defense, Vietnam Service and Vietnam Campaign medals; and

Whereas, It is appropriate to provide a memorial to this Colliers, West Virginia citizen who sacrificed his life for his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 05-1/8-0.03 (05A079) (40.36929, -80.54590), locally know as Colliers Way Bridge, carrying County Route 1/8 over Harmon Creek in Brooke County, West Virginia, the "U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U. S. Marine Corps Cpl Mark Douglas Cool 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 J. Nelson, R. Smith, Wagner, Westfall, Moffatt, Atkinson and McCuskey offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 85 – "Requesting the Division of Highways to name a future bridge, 03-3/14-0.10 (design # 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the 'U.S. Navy MM2 Carl E. Keeney and U.S. Army PFC Carl M. Nicholas Memorial Bridge'."

Whereas, Carl Eugene Keeney was born to Dewey and Ruth Skeens Keeney on March 27, 1925, in Seth, West Virginia. He learned to repair engines and vehicles at an early age and became skilled as a machinist. When this country sought skilled tradesmen in its Armed Forces, he enlisted in the United States Navy in 1942, eventually attaining the rating of Machinist's Mate Second Class. Machinist's Mate Keeney served over three years in the Pacific Theater and saw combat in the Solomon Islands and at Okinawa. He was awarded three battle stars before he was honorably discharged in 1946. Thereafter, Carl E. Keeney applied his machinist's skills in the coal industry, working as a driver, mechanic and machinist in Boone County until his retirement; and

Whereas, Carl M. Nicholas was born to Dan and Frona Cottrell Nicholas on September 27, 1922, in Bickmore, West Virginia. Though he left school after eight years to help support his family, he became quite accomplished in a mining career that spanned five decades in the coalfields of southern West Virginia. He answered his nation's call to service, joining the United States Army in World War II in the European Theater of Operations. He participated in the Invasion of Normandy on D-Day and in the Battle of the Bulge. He also received and survived bullet wounds from a German sniper, for which he was awarded the Purple Heart. Upon his return to civilian life, he continued his mining career with some of the most prominent companies in the industry and he became a successful businessman as proprietor of his own trucking company. He continued to support military veterans and was a leader of the effort to secure dedicated parking for veterans at our State Capitol. After a life well lived in service to his community and his country, Carl M. Nicholas passed away on September 3, 2014; and

Whereas, It is an appropriate recognition of their contributions to their country, state, community and Boone County to name a bridge over the Big Coal River in their honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the future bridge, 03-3/14-0.10 (design # 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone

County, the “U.S. Navy MM2 Carl E. Keeney and U.S. Army PFC Carl M. Nicholas Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to name the future bridge, 03-3/14-0.10 (design # 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the “U.S. Navy MM2 Carl E. Keeney and U.S. Army PFC Carl M. Nicholas 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 families of each of these honored veterans.

Delegates Waxman, Rohrbach, Hamrick, Border, Butler, Cadle, Ellington, Espinosa, A. Evans, Fast, Frich, Hamilton, Hill, Kessinger, Lane, Miller, Statler and B. White offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 86 – “Designating April 16, 2016, as World Voice Day.”

Whereas, It is estimated that nearly seven million Americans suffer from some form of voice disorder. Voice disorders can impact the everyday lives of those affected by inhibiting their ability to effectively express themselves; and

Whereas, There are many ways in which people can conserve their voice and prevent the development of voice disorders, including keeping hydrated, minimizing activities causing vocal strain such as yelling, warming up before heavy vocal use, using appropriate breath support, using amplification and paying attention to voice cues; and

Whereas, It is important to draw state, national and international awareness to the existence of voice disorders and the availability of services provided by otolaryngologist-head and neck surgeons, the only medical doctor specifically trained to treat the ear, nose, throat, head and neck, as well as other specialized providers for the amelioration of these disorders; and

Whereas, Every year on April 16, otolaryngologist-head and neck surgeons and other voice health professionals worldwide join together to recognize World Voice Day, an international celebration of the human voice established to help raise public and professional awareness about voice disorders. World Voice Day, sponsored in the U.S. by the American Academy of Otolaryngology—Head and Neck Surgery, encourages men and women, young and old, to assess their vocal health and take action to improve or maintain good voice habits; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature joins the West Virginia Academy of Otolaryngology – Head and Neck Surgery in observing April 16, 2016, as World Voice Day in the State of West Virginia and encourages its citizens to practice techniques that may help prevent the onset of a voice disorder or to visit an otolaryngologist-head and neck surgeon if they are suffering from a voice disorder; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this Resolution to the West Virginia Academy of Otolaryngology – Head and Neck Surgery.

Delegates Eldridge, Storch, Moore, Fluharty, Lynch, Bates, Phillips, Marcum, Arvon, Hicks and Blackwell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 87 – “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia.”

Whereas, The fiddle arrived in Appalachia in the 18th century from immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol and the Appalachian String Band Festival at Camp Washington Carver in Hilltop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family, and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies, and in churches. He even played on street corners for tips. He used to sell out printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central part of the state. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons's first attempt in music was with a fiddle made from a gourd, he soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down "like most men did" as he grew older and was faced with supporting a family. Mr. Hammons' three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons's most distinguished contest adversary was Lewis "Jack" McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain's accomplishments included a first-place finish at the 1893 World's Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine he began to play his first fiddle tunes by sneaking out his father's prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father's fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boy's efforts. Mr. Wine's father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wine's grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with

his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger's reputation as a fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches "Luke" Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBV in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers' records were best sellers, including "Wednesday Night Waltz," "Turkey in the Straw," "Hell Among Yearlings," "Tugboat" and "Salt River". Mr. Kessinger was also greatly influenced by classical violin players such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar) and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually about one third to one half of those recordings were released to Rounder Records, but it is estimated that two thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them on the Grammy-nominated album, "Wild Hog in the Red Brush" and "Speed of the Old Long Bow: A Tribute to Ed Haley". Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford's death in 2001. In March 2000, the "Smithsonian" magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O'Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki and mandocello. He has released more than ten studio albums in addition to charting a duet with Kathy Mattea entitled, "The Battle Hymn of Love", a No. 9 hit on the Billboard Country charts in 1990. He eventually moved to Boulder, Colorado in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America's most innovative and entertaining bluegrass bands. In 2005, O'Brien won a Grammy Award for Best Traditional Folk Album for "Fiddler's Green". In 1993 and 2006, O'Brien was honored with the International Bluegrass Music Association's (IBMA)'s Male Vocalist of the Year award. His band Hot Rize was the IBMA's first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin, was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said "Everybody in the family played music. It was never

expected, it was never forced on us. Nobody ever handed us an instrument and said, "You have to play this." It was just trying to be part of what was going on, "cause there was always music at the house". Mr. Griffin was a part of his family's music from an early age. "The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I'd stand up on the couch when I was about five, maybe six. I couldn't note it, but I could play the strings. So if they'd play some old fiddle tune, I'd have all three chords to go with it. I'd stand there and just play the strings." He soon learned to play the guitar, mandolin, fiddle, and banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln, and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times, some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

Further Resolved, That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions and culture; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to Buddy Griffin, Tim O'Brien, Clark Kessinger's daughter, Frances Goad, the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine and Ed Haley, The West Virginia Music Hall of Fame, the Friends of Old Time Music and Dance (FOOTMAD) and John Lilly, Editor of Goldenseal, the official State magazine of West Virginia traditional life.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

Delegate Moffatt offered the following resolution, which was read by its title and referred to the Committee on the Judiciary.

H. J. R. 46 – "Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof, by adding thereto a new section, designated section fifty-seven, relating to appointing a five member independent commission to submit plans to the West Virginia Legislature on how to redistrict the state into one hundred separate delegate districts; the numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Delegates Border, Miller, D. Evans, Anderson, Azinger, Kelly, Deem, Sobonya, Butler, Waxman and Kessinger offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 13 – "Designating that March 16 be proclaimed as Healthy Bodies Healthy Spirits Month."

Whereas, West Virginia is at the top or near the top of many national chronic disease lists; and

Whereas, Churches are powerful forces for positive change in West Virginia communities; and

Whereas, Almost one in four West Virginia eleven year olds has high blood pressure, according to West Virginia University CARDIAC testing; and

Whereas, West Virginia faith organizations want to be healthy role models for our children and adults; and

Whereas, The “West Virginia Healthy Bodies Healthy Spirits Network” has been formed to help faith organizations promote healthier congregations and communities; and

Whereas, Major faith denominations are collaborating with “Try This West Virginia” in a statewide campaign to help reverse our poor health; therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates hereby proclaim March 2016 as: “Healthy Bodies Healthy Spirits Month” in the Mountain State and encourage all citizens to join us in this observance as we encourage the collaboration of governmental agencies, community organizations and faith-based institutions to be active participants in a movement that promotes health and wellness for all West Virginians.

Delegates Perdue, Bates, Eldridge, Ferro, Gearheart, Guthrie, Hornbuckle, Lynch, Marcum, Moore, Morgan, Reynolds and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 14 – “Memorializing the Armenian Genocide of 1915 through 1923 and Proclaiming April 24 as a Day of Remembrance.”

Whereas, In what is currently the Republic of Turkey and the country of Armenia, from 1915 through 1923 one and one-half million ethnic Armenian men, women and children were murdered and one-half million were displaced or deported as a result of oppression and ethnic cleansing by the Ottoman Empire; and

Whereas, Hundreds of thousands of Armenians were forced to flee their homes and travel to foreign counties in order to avoid persecution and death; and

Whereas, Hundreds of thousands of Armenian men, women and children were forced to walk through the Syrian Desert, where many died through dehydration and starvation; and

Whereas, The atrocities committed against the Armenian people have been viewed as an attempt to eliminate all traces of the Armenian civilization, dating more than 3,000 years old; and

Whereas, Prior to the implementation of the Holocaust, in order to garner support from his followers, Adolf Hitler asked “Who, after all, speaks today of the annihilation of the Armenians?”; and

Whereas, By recognizing and consistently remembering the Armenian Genocide the education of future generations for the protection of cultural and ethnic history is ensured so that these atrocities do not occur again; and

Whereas, The genocide has been recognized by forty-four of the United States and twenty-seven countries, including: Germany, Russia, Canada, France, Italy and Switzerland; and

Whereas, Armenia is now a free and independent democratic state, following nearly 70 years of oppression under the Soviet Union in the twentieth century; and

Whereas, The Republic of Turkey continues to deny and distort the facts of the Armenian Genocide and reveres the perpetrators as national heroes; and

Whereas, Armenian-Americans living in West Virginia have greatly enriched the State through their leadership in business, agriculture, academia, government, and the arts; therefore, be it

Resolved by the House of Delegates:

That the West Virginia House of Delegates acknowledges the Armenian Genocide committed by the Ottoman Empire as an issue of historical and cultural significance; and, be it

Further Resolved, That April 24, 2016, be proclaimed a Day of Remembrance for the Victims of the Armenian Genocide on the 101st Anniversary of the tragedy; and, be it

Further Resolved, That the Clerk of the House of Delegates forward copies of this resolution to the Ambassador to the United States of America from Armenia and the Armenian National Institute.

Motions

Delegate Ireland asked and obtained unanimous consent that **H. B. 4639**, Establishing a method for the simple majority of mineral interest owners, be 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 J. Nelson, R. Smith, Phillips, Ihle, Butler, McGeehan, Blair, Sobonya, Foster and Frich:

H. B. 4640 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to providing a tax credit in the amount of fifty percent of the cost of educating a student in a public school for a taxpayer educating a student in a private or home school; and providing for rule-making”; to the Committee on Education then Finance.

By Delegates Walters, Hamilton, Householder and Westfall:

H. B. 4641 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-2-6b, relating to the limitation of action that applies to an action to recover the unpaid balance due upon a contract made by a consumer for the purchase of personal property, containing terms of financing the purchase price”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Miley

[By Request of the Executive]:

H. B. 4642 — “A Bill to amend and reenact §21A-8-10 and §21A-8-16 of the Code of West Virginia, 1931, as amended, all relating to maintaining the solvency of the Unemployment Compensation Fund; providing a mechanism for the Governor to borrow funds from the Revenue Shortfall Reserve Fund for a limited period and deposit those funds into the Unemployment Compensation Fund if the balance of the Unemployment Compensation Fund drops below \$50 million; providing that borrowed funds may only be used to pay benefits; providing that no amount borrowed may exceed \$50 million; and providing for repayment of borrowed amounts”; to the Committee on Finance.

By Delegates Folk, McGeehan and Faircloth:

H. B. 4643 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-1-3, eliminating requirements that state provide for professional training and development of teachers; redirecting those funds to the Public Employees Insurance

Agency; and providing that professional development in public schools shall be at discretion of county school boards”; to the Committee on Education then Finance.

By Delegates Miller, Border, D. Evans, Statler, Moffatt, McCuskey, Sobonya and Rohrbach:

H. B. 4644 — “A Bill to amend and reenact §52-1-17 of the Code of West Virginia, 1931, as amended, relating to deleting subsection (e) therein which provides the sheriff to pay into the State Treasury all jury costs received from the court clerks and that the sheriff shall be held to account in the sheriff’s annual settlement for all the moneys”; to the Committee on Finance.

By Delegates Rohrbach, Statler, Canterbury, Guthrie, Pushkin, Bates, Fleischauer and Rowe:

H. B. 4645 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to providing an earned income tax credit against the personal income tax”; to the Committee on Finance.

By Delegate Skinner:

H. B. 4646 — “A Bill to amend §50-1-14 of the Code of West Virginia, 1931, as amended, relating to civilian employees for service of civil process court security; permitting sheriff’s to employ civilians for service of process and court security; and authorizing these civilian employees to carry dangerous and deadly weapons when designated and permitted by the county sheriff”; to the Committee on the Judiciary.

By Delegates Folk and McGeehan:

H. B. 4647 — “A Bill to repeal §14-2-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that proceedings against the State, a state agency or state officer be brought and prosecuted in the circuit court of Kanawha County”; to the Committee on the Judiciary.

By Delegates Skinner, Folk and McCuskey:

H. B. 4648 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7, relating to providing additional pay for public employees who reside in counties with the highest median home costs”; to the Committee on Government Organization then Finance.

By Delegates Skinner, Fleischauer, Manchin, Eldridge, Sponaugle, Rowe, Moore Byrd, Fluharty, Shaffer and Guthrie:

H. B. 4649 — “A Bill to amend and reenact §55-2-6 of the Code of West Virginia, 1931, as amended, relating to limitations and suits; and providing that any action for the default of payment of a credit card debt be brought within three years of the date of default”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Folk and McGeehan:

H. B. 4650 — “A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a pro se plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose”; to the Committee on the Judiciary.

By Delegates Howell, Arvon, Ihle, Hamrick, P. White and Stansbury:

H. B. 4651 — “A Bill to amend and reenact §30-26-4, §30-26-6 and §30-26-7 of the Code of West Virginia, 1931, as amended, all relating to professional examination requirements for hearing-aid dealers and fitters; requiring applicants for professional licensure to pass the International Licensing Examination for Hearing Healthcare Professionals or an equivalent examination; requiring applicants for professional licensure to pass a nationally recognized practical examination, or a practical examination designed by the West Virginia Board of Hearing-Aid Dealers to test certain demonstrated

skills and techniques; requiring applicants to pass an examination, designed by the board, to test knowledge of certain local laws and practices; eliminating the requirement that the board provide applicants with certain details pertaining to an applicant's failure of an examination; and authorizing emergency and legislative rulemaking"; to the Committee on Government Organization.

By Delegates Howell, Cadle, Atkinson, R. Smith, Stansbury, Moffatt, P. White, Arvon, Foster, Hamrick and McGeehan:

H. B. 4652 — "A Bill to amend and reenact §21-11-3 and §21-11-5 of the Code of West Virginia, 1931, as amended, all relating to the creation of an intermediate contractor's license; limiting the maximum cost of the project that an intermediate contractor may undertake to \$10,000; and exempting applicants for the intermediate contractor's license from an examination"; to the Committee on Government Organization.

By Delegate Skinner:

H. B. 4653 — "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20E-1, §19-20E-2, §19-20E-3, §19-20E-4, §19-20E-5 and §19-20E-6, all relating to spaying and neutering of companion animals; making legislative findings; stating its purpose; setting forth its scope; requiring the reproductive neutering of domestic dogs and cats; providing exceptions; establishing certain conclusive presumptions; providing certain rebuttable presumptions; requiring the registration of breeders; providing exceptions; providing for enforcement; and establishing penalties"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Summers, Campbell, Ellington, Householder and Rohrbach:

H. B. 4654 — "A Bill to amend and reenact §30-7-4 of the Code of West Virginia, 1931, as amended, relating to the Executive Secretary of the Board of Registered Professional Nurses; and removing the executive secretary experience requirements"; to the Committee on Government Organization.

By Delegates Walters and Perry:

H. B. 4655 — "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38, relating to defining certain key terms; prohibiting insurers, vision care plan or vision care discount plans from requiring vision care providers to provide discounts on noncovered services or materials; prohibiting eye care providers from charging more to enrollees for noncovered services than the normal and customary fee; providing that insurers, vision care plan or vision care discount plans may not provide for a nominal reimbursement in order to claim that a service or material is covered; prohibiting insurers, vision care plan or vision care discount plan from falsely representing benefits provided to sell coverage or communicate benefits to enrollees; prohibiting the requirement that eye care providers be credentialed through a designated vision plan; providing pay parity for optometrist and ophthalmologists; providing that optometrist and ophthalmologist be held to the same credentialing standards; prohibiting eye care providers from being required to accept all plan and discount plans offered by an insurer, vision care plan or vision care discount plan in order to be on a panel for the insurer, vision care plan or vision care discount plan; prohibits the insurer, vision care plan or vision care discount plan from changing the terms of an agreement with an eye care provider without communication with and agreement from the eye care provider; permitting eye care providers to use any lab or supplier and notification of contract changes; creating a private right of action for eye care providers; placing limits on charge backs of administrative fees and other recoupments; providing that an insurer, vision care plan or vision care discount plan may not discriminate against a provider based on geographic location of the eye care provider; and authorizing suits for injunctions by persons aggrieved or by Insurance Commissioner and recovery of monetary damages, costs and attorney's fees"; to the Committee on Health and Human Resources.

By Delegates R. Smith, Cadle, P. White, Arvon, Hamrick and McGeehan:

H. B. 4656 — “A Bill to amend and reenact §30-9-2, §30-9-3, §30-9-4 and §30-9-5 of the Code of West Virginia, 1931, as amended, all relating to granting the Finance Division within the Department of Administration supervisory control over the board of Accountancy; defining a term; clarifying the board is an advisory body; requiring board acts and recommendations be authorized by the division; and providing for the review of board rules prior to submission”; to the Committee on Government Organization.

By Delegates R. Smith, Cadle, Arvon, Hamrick, Ihle, Stansbury, McGeehan, Weld, Fast and Kessinger:

H. B. 4657 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-3-12, relating to prohibiting state agencies, boards and commissions from hiring lobbyists; and declaring that the director of each state agency to have exclusive, non-delegable authority to lobby on behalf of the state agency”; to the Committee on the Judiciary.

By Delegates Howell, Arvon, Ihle, Moffatt, Hill, Cadle, Hamrick, Lynch, Blair, P. White and R. Smith:

H. B. 4658 — “A Bill to amend and reenact §30-6-4 of the Code of West Virginia, 1931, as amended, relating to the Board of Funeral Service Examiners; changing the qualifications for board members; providing for the continuous service of qualifying board members; and providing for the disqualification of certain members who become licensees”; to the Committee on Government Organization.

By Delegate Ellington:

H. B. 4659 — “A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to local health departments; and authorizing local health departments to bill health insurance plans for services”; to the Committee on Health and Human Resources then Finance.

By Delegate Espinosa:

H. B. 4660 — “A Bill to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to the information required to be included in support of an application to the Public Service Commission for a certificate of convenience and necessity for a water, sewer and/or stormwater service project; preliminary engineering reports and financial analysis are required; the same engineering report and financial analysis information supplied to the Infrastructure and Jobs Development Council will suffice; final engineering report and design information or plans and specifications not required; waiver of financial analysis for good cause; directing an entity that has received a certificate of convenience and necessity, to pursue a further rate increase through the normal rate changing process, if an increase in rates is needed exceeding fifteen percent above the increase in rates approved by the Public Service Commission in granting a certificate of convenience and necessity for a project; and the Public Service Commission may not, on its own initiative, modify the scope of a project to which a certificate of convenience and necessity was previously granted, or rescind a previously granted certificate of convenience and necessity, if the rates expected to go in effect upon substantial completion of the project have increased by less than fifteen percent”; to the Committee on Government Organization.

By Delegates Fleischauer, Perdue, Longstreth, Shaffer, Flanigan, Pushkin, Blackwell, Fluharty, Lynch, Guthrie and Rowe:

H. B. 4661 — “A Bill to amend and reenact §11-17-2 and §11-17-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-2-914, all relating to child welfare; children eighteen years of age or older who have been in the foster care system; creating an Aging Out of Foster Unit within the Department of Health and Human Resources to assist these children, track and collect statistics related to these children, provide assistance to the children, report annually to the Joint Committee on Government and Finance and the Legislative

Oversight Committee on Health and Human Resources; vapor product definition; and placing a tax on “Vapor products”, equal to the tax on tobacco products other than cigarettes to finance the Aging Out of Foster Unit”; to the Committee on Health and Human Resources then Finance.

By Delegate Walters:

H. B. 4662 — “A Bill to amend and reenact §17C-16-5; of the Code of West Virginia, 1931, as amended, relating to permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers to purchase, equip and maintain vehicles”; to the Committee on Finance.

By Delegates Miley, Bates, Campbell and Boggs:

H. B. 4663 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5W-1, §16-5W-2, §16-5W-3 and §16-5W-4, all relating to establishing an on-call center for state residents to receive assistance with healthcare”; to the Committee on Health and Human Resources then Finance.

By Delegates Fleischauer, Pethtel, Summers, Hamrick, Flanigan, Statler, Folk, Kurcaba, Miley, Storch and Fluharty:

H. B. 4664 — “A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Hartman, Sponaugle, Campbell, Perry and Lynch:

H. B. 4665 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-3-11, relating to creating a mandatory grace period for the payment of water and sewer bills”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Upson, Stansbury, Blair, Householder, Espinosa and Hornbuckle:

H. B. 4666 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Guthrie, Rowe, Westfall, McCuskey, B. White, Pushkin, Anderson, Byrd, Skinner and Bates:

H. B. 4667 — “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, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8, §15-14-9, §15-14-10 and §15-14-11; to amend and reenact §19-20-1, §19-20-2, §19-20-3, §19-20-5, §19-20-6, §19-20-7, §19-20-8, §19-20-8a, §19-20-9, §19-20-9a, §19-20-10, §19-20-11, §19-20-19a, §19-20-21, §19-20-22 and §19-20-23 of said code; to amend said code by adding thereto a new section, designated §19-20-27; to amend and reenact §61-8-19, §61-8-19a and §61-8-19b of said code; and to amend said code by adding thereto a new section, designated §61-8-19c, all relating to protecting animals and requiring their humane treatment; creating a State Animal Abuse Registry for identifying persons convicted of animal abuse; defining terms; requiring all persons convicted of animal abuse to register; declaring information to be provided when registering; requiring payment of annual fee; creating a Central Abuse Registry Fund; specifying how money in the fund will be used; requiring the registry information to be public; providing for exception from registration requirements and petition for relief from registration; setting forth duties of animal breeders, animal shelters and pet stores; requiring annual registration of all dogs and cats; setting fee for registration of dogs and cats; providing for certain dogs and cats to be adopted in lieu of other means of disposal;

increasing fees for delinquent registration of cats and dogs, registration of kennels and for license to keep a vicious or dangerous dog; allowing a reasonable rate of reimbursement to animal control officers for use of a personal vehicle; dedicating all fines and fees for support and operations of humane society, animal shelter or animal control facility; prohibiting the hoarding of animals and establishing criminal penalties therefor; providing for forfeiture and disposition of hoarded animals; providing for examination and medical intervention for the hoarder; expanding the types of activities prohibited in connection with animal fighting ventures and attendance at animal fighting events; increasing the fines for participation in animal fighting ventures and attendance at animal fighting events; defining subsequent offenses as felonies; prohibiting wagering at animal fighting ventures and setting criminal penalties therefor; and updating terms and language throughout”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Byrd, J. Nelson, Marcum, Phillips, Rowe, McCuskey, Stansbury, B. White, E. Nelson, Guthrie and Pushkin:

H. B. 4668 — “A Bill to amend and reenact §11-13A-6 of the Code of West Virginia, 1931, as amended, relating to raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services from one fourth to one half”; to the Committee on Energy then Finance.

By Delegates McGeehan, Faircloth, Folk, J. Nelson, Wagner, Azinger, Ihle and Hill:

H. B. 4669 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-13, relating to redirecting certain funds of the West Virginia Department of Education; requiring the department to transfer an amount equal to one half of the department’s 2015 budget for administrative costs into a special account for the purpose of increasing teacher salaries”; to the Committee on Education then Finance.

By Delegates Rowe, Sobonya, B. White, Guthrie, Lynch, Pushkin, McCuskey, Byrd, Ellington, Rohrbach and Blackwell:

H. B. 4670 — “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-8-101, §49-8-102 and §49-8-103, all 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”; to the Committee on Education then Finance.

By Delegates Ellington and Householder:

H. B. 4671 — “A Bill to amend and reenact §60A-2-208 of the Code of West Virginia, 1931, as amended, relating to schedule three controlled substances; designating human chorionic gonadotropin as a schedule three controlled substance; and allowing human chorionic gonadotropin solely for injection or implantation in cattle and other nonhuman species”; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegate E. Nelson:

H. B. 4672 — “A Bill to amend and reenact §5-16-18 of the Code of West Virginia, 1931, as amended, relating to requiring the Public Employees Insurance Agency Finance Board factor in overtime pay received by employees to determine their premiums”; to the Committee on Finance.

By Delegates Anderson, Kelly, Border, A. Evans, Phillips, Wagner, Trecost, R. Smith, Shaffer, Ireland and Miller:

H. B. 4673 — “A Bill to amend the Code of West Virginia, 1931 as amended, by adding thereto a new section, designated §20-2-7a, relating to providing for a crime for the theft, damage or release of deer from private game farms; providing a criminal penalty; and providing for restitution to be paid to the victimized private game farm owner”; to the Committee on the Judiciary.

Special Calendar**Third Reading**

Com. Sub. for S. B. 7, Establishing wrongful conduct rule prohibiting recovery of damages in certain circumstances; on third reading, coming up in regular order, order, was, on motion of Delegate Cowles, postponed one day.

S. B. 509, Removing 10-day requirement Division of Labor has to inspect amusement rides and attractions; 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 S. B. 509 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 128**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Canterbury, Eldridge, Lane, Moffatt, Rowe, Skinner and Sobonya.

Absent and Not Voting: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 509) passed.

On motion of Delegate Howell, the title of the bill was amended to read as follows:

S. B. 509 – “A Bill to amend and reenact §21-10-6 of the Code of West Virginia, 1931, as amended, relating to when Division of Labor must inspect amusement rides and amusement attractions; requiring the Division of Labor to create an inspection checklist; requiring owners or operators to self-inspect amusement rides and amusement attractions after every assembly; requiring the owner or operator to retain the checklist while the amusement ride or amusement attraction is in use; and requiring the owner or operator to submit the inspection checklist to the Division of Labor at the end of the calendar year.”

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

H. B. 2605, Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor; 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. 129**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2605) 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. 4001, Relating to candidates or candidate committees for legislative office disclosing contributions; on third reading, coming up in regular order, was, on motion of Delegate Cowles, postponed one day.

H. B. 4152, Making a supplementary appropriation to the Division of Environmental Protection – Protect Our Water Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 130**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hornbuckle, Moore and Weld.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4152) passed.

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

On this question, the yeas and nays were taken (**Roll No. 131**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hornbuckle, Moore and Weld.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4152) 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. 4155, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 132**), 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: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4155) passed.

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

On this question, the yeas and nays were taken (**Roll No. 133**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Moffatt.

Absent and Not Voting: Weld.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4155) takes effect from its passage.

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

H. B. 4157, Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 134**), 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: Weld.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4157) passed.

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

On this question, the yeas and nays were taken (**Roll No. 135**), 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: Weld.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4157) 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. 4160, Making a supplementary appropriation to the Department of Revenue, Tax Division; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 136**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty, Marcum, McGeehan, Morgan, J. Nelson, Perdue, R. Smith, Sobonya and Wagner.

Absent and Not Voting: Weld.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4160) passed.

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

On this question, the yeas and nays were taken (**Roll No. 137**), 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: Weld.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4160) 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. 4197, Allowing required HIV and hepatitis testing for the protection of law-enforcement officers who may have been exposed; 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. 138**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Guthrie, McGeehan, J. Nelson, Perdue, Skinner and Upson.

Absent and Not Voting: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4197) 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. 4265, Relating to payment by the West Virginia Municipal Bond Commission or state sinking fund commission or the governing body issuing the 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. 139**), 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: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4265) 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. 4310, Relating to the West Virginia University Institute of Technology; on third reading, coming up in regular order, was read a third time.

Delegate Guthrie was addressing the House when Delegate McGeehan arose to a point of order, regarding the content of the Gentlelady's remarks, to which point the Speaker asked the Gentlelady from the 36th to confine her remarks to the bill before the House.

Delegate Morgan was addressing the House when Delegate Kurcaba arose to a point of order, regarding the content of the Gentleman's remarks, to which point the Speaker asked the Gentleman from the 16th to confine his remarks to the bill before the House.

Delegate Skinner arose to a point of inquiry, stating that it was his understanding that point of orders were to be directed to the Speaker and not the Member, whereupon the Speaker advised the Members as to the proper procedure of a point of order.

Delegate Frich was addressing the House when Delegate Marcum arose to a point of order, regarding the content of the Gentlelady's remarks, to which point the Speaker asked the Gentlelady from the 51st to confine her remarks to the bill before the House.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 140**), and there were—yeas 67, nays 32, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Caputo, Duke, Eldridge, Faircloth, Fast, Folk, Gearheart, Guthrie, Hamilton, Hicks, Hill, Ihle, Kessinger, Lynch, Marcum, McGeehan, Miller, Moffatt, Moore, Morgan, Perdue, Perry, Rodighiero, Rohrbach, Rowan, Rowe, P. Smith, Sobonya, Sponaugle, Stansbury, B. White and P. White.

Absent and Not Voting: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4310) passed.

An amendment to the title of the bill, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for H. B. 4310 – “A Bill to repeal §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-1C-1 and §18B-1C-2 of said code, all relating to the West Virginia University Institute of Technology; finding that there is a need to maintain the valuable educational services provided by the West Virginia University Institute of Technology; finding that there are continued enrollment and facilities issues facing the West Virginia University Institute of Technology in Montgomery, West Virginia; finding that the West Virginia University Institute of Technology, West Virginia University, Marshall University, Concord University, Bluefield State College, and other public and private partners should collaborate; requiring collaboration and encouraging agreements with local governments near Montgomery; clarifying provisions relating to the West Virginia University Institute of Technology Board of Visitors; eliminating the requirement that the headquarters of the West Virginia Institute of Technology remain in Montgomery, West Virginia; providing for a program review and approval process; requiring meetings between West Virginia University, West Virginia Institute of Technology, Concord University, and Bluefield State College; eliminating outdated provisions; and repealing provisions relating to the West Virginia University Institute of Technology Revitalization Project.”

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

On this question, the yeas and nays were taken (**Roll No. 141**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Duke, Fast, Folk, Gearheart, Guthrie, Hamilton, Hicks, Hill, Ihle, Kessinger, Marcum, McGeehan, Miller, Perry, Rodighiero, Rohrbach, Rowe, P. Smith, Sobonya, Stansbury, Summers, B. White and P. White.

Absent and Not Voting: Weld.

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. 4310) 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. 4316, Relating to reimbursement of certification fee for National Board for Professional Teaching Standards 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. 142**), 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: Guthrie and Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4316) 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. 4319, Including in the definition of “veteran” active members of the Guard and Reserve in order to exempt them from fees charged by the Secretary of State; on third reading, coming up in regular order, was read a third time.

Delegate J. Nelson requested to be excused from voting on the passage of Com. Sub. for H. B. 4319 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 143**), 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: Guthrie and Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4319) 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. 4322, Expanding the Learn and Earn Program; 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. 144**), 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: Guthrie and Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4322) 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. 4340, Amending licensing requirements for an act which may be called Lynette’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. 145**), 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: Guthrie and Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4340) passed.

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

On this question, the yeas and nays were taken (**Roll No. 146**), 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: Guthrie and Weld.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4340) 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. 4366, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 147**), 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: Guthrie and Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4366) passed.

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

On this question, the yeas and nays were taken (**Roll No. 148**), 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: Weld.

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. 4366) 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. 4377, Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days; on third reading, coming up in regular order, was read a third time.

Delegate McGeehan was addressing the House when Delegate Skinner arose to a point of order, regarding the content of the Gentleman's remarks, to which point the Speaker asked the Gentleman from the 1st to confine his remarks to the bill before the House.

Delegates P. Smith and Frich requested to be excused from voting on the passage of Com. Sub. for H. B. 4377 under the provisions of House Rule 49.

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

On motion of Delegate Cowles, further consideration of the bill was postponed one day.

Com. Sub. for H. B. 4445, Relating to the adoption of instructional educational resources; 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. 149**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Lane.

Absent and Not Voting: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4445) 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. 4540, Removing prohibition of disposal of certain electronics in landfills; 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. 150**), 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: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4540) passed.

On motion of Delegate Howell, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4540 - "A Bill to amend and reenact §22-15A-22 of the Code of West Virginia, 1931, as amended, relating to removing prohibition of disposal of certain electronics in landfills; and permitting county or regional solid waste authorities to prohibit disposal of covered electronics in landfills where they have determined that a cost effective recycling alternative for handling covered electronic devices exists."

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. 4604, Relating to violations of the Ethics 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. 151**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4604) 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. 4605, Prohibiting contracting with a state agency unless business entity submits disclosure of interested parties; on third reading, coming up in regular order, was read a third time.

Delegates Blackwell, Foster, Gearheart, Householder, Howell, Moye and Walters requested to be excused from voting on the passage of Com. Sub. for H. B. 4606 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 152**), 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: Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4605) 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. 4606, Relating to the recusal of certain public officials from voting for appropriation of moneys to nonprofit entities; on third reading, coming up in regular order, was read a third time.

Delegates Ferro, Fleischauer, Hanshaw, Hartman, Householder, Howell, Kelly, Manchin, Miller, Moffatt, Morgan, Moye, Perdue, Pethtel, Pushkin, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, Sponaule, Statler, Summers and Zatezalo requested to be excused from voting on the passage of Com. Sub. for H. B. 4606 under the provisions of House Rule 49.

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

Delegate Perdue requested to be excused from voting on the passage of Com. Sub. for H. B. 4606 under the provisions of House Rule 49.

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

Delegate Ihle requested to be excused from voting on the passage of Com. Sub. for H. B. 4606 under the provisions of House Rule 49.

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

On motion of Delegate Shott, further consideration of the bill was postponed one day.

H. B. 4618, Relating to limitations on use of a public official's name or likeness; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 153**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, D. Evans, Kelly, Kessinger, Phillips and Weld.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4618) 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. 387, Shared animal ownership agreements to consume raw milk; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2795, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegate Manchin, was reported by the Clerk on page two, section seventy-two, line nine, following the words "requesting party", by inserting "for a period not to exceed five years prior to the incident giving rise to the civil suit."

Whereupon,

Delegate Manchin asked and obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4360, Increasing the criminal penalty for the unlawful practice of law; 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. 4383, Making individuals responsible for the costs relating to the filing of excessive false complaints; 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. 4388, Relating to stroke centers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4470, Expanding newborn testing to include Adrenoleukodystrophy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4489, Relating generally to human trafficking; 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:

S. B. 341, Expiring funds from Insurance Commissioner, Examination Revolving Fund and Insurance Commission Fund to State Fund, General Revenue,

S. B. 351, Dedicating severance tax proceeds,

S. B. 419, Relating to termination of Workers' Compensation Debt Reduction Act,

S. B. 449, Supplemental appropriation from State Fund, General Revenue to Department of Administration, Public Defender Services,

S. B. 450, Supplemental appropriation from State Fund, General Revenue to DHHR, Division of Health,

S. B. 451, Supplemental appropriation from State Fund, General Revenue to Department of Military Affairs,

S. B. 462, Reducing deposit of excess lottery proceeds into WV Infrastructure Fund,

Com. Sub. for H. B. 2823, Eliminating the street and interurban and electric railways tax,

Com. Sub. for H. B. 2897, Young Entrepreneur Reinvestment Act,

And,

H. B. 4315, Relating to air-ambulance fees for emergency treatment or air transportation.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leave of absence for the day was granted Delegate Weld.

At 2:54 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

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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 that the Senate had passed, without amendment, a bill of the House of Delegates as follows:

H. B. 4161, Relating to levies on classifications of property by the Board of Public Works.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 14, Limiting successor corporation asbestos-related liabilities.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 150, Authorizing Department of Transportation promulgate legislative rules.

A message from the Senate, by

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

Com. Sub. for S. B. 339 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-12-1, §51-12-2 and §51-12-3, all relating to establishing a judicial compensation commission; setting responsibilities for commission; establishing membership of commission; setting terms of service for appointed members; setting eligibility requirements for certain commission members; providing that members of commission are ineligible for appointment to state judicial position while serving on commission; providing for reimbursement of expenses incurred in carrying out responsibilities of commission; providing for filling of vacancies on commission; giving commission authority to make salary recommendations for certain judicial officers to the Legislature; providing for location of commission meetings; setting meeting notice requirements; directing election of a chairperson; setting quorum requirements; permitting commission to request staff assistance from Joint Committee on Government and Finance and administrative office of Supreme Court of Appeals; requiring meetings be conducted pursuant to open meetings laws; directing commission to study compensation structure for certain judicial officers for purposes of preparing a report; setting forth required factors to be considered in making recommendations regarding compensation; providing for filling of commission vacancies; establishing certain dates for commission action; providing for filing of commission reports and recommendations with certain offices; requiring a bill enacting commission’s salary recommendations be introduced by the presiding officer of the Senate and House of Delegates no later than the twentieth day of legislative session following receipt of report; requiring a bill enacting commission’s salary recommendations be reintroduced by the presiding officer of the Senate and House of Delegates in each subsequent legislative session if not enacted; providing that commission be adjourned for three years following submission of report; and making technical corrections”; 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 passage, as amended, of

Com. Sub. for S. B. 369, Reducing legislative education reporting requirements,

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. 478 – “A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended, relating to authorizing licensees authorized to sale growlers of nonintoxicating beer to offer complimentary samples to patrons from their licensed premises”; 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. 481 – “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and consumed at a licensed Class A private club operating on the premises of the distillery or mini-distillery; and allowing distilleries and

mini-distilleries to sell and serve alcohol beginning at 10:00 a.m. on Sundays”; which was referred to the Committee 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. 500 – “A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Superintendent of the State Police to hold training classes for certification to access and use the West Virginia Automated Police Network; authorizing fee to be charged for the training; creating fund in which the fees are to be deposited; and specifying what the funds may be used for”; 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

S. B. 505 – “A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to exempting from motor fuel excise tax certain uses of field gas; and defining field gas”; 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. 520 – “A Bill to amend and reenact §5-16-12 and §5-16-12a of the Code of West Virginia, 1931, as amended, all relating to willful misrepresentation to gain benefits or payment under the Public Employees Insurance Act; establishing certain acts as violations of the act; providing for civil liability for improperly received benefits, overpayments or other sums; authorizing set off by the director to recover overpayment; authorizing investigation by the director of misrepresentations by an employer, employee or providers under the Public Employees Insurance Act; authorizing the director to issue administrative subpoenas; providing requirements for service of subpoenas; authorizing fees for service and witnesses; establishing a process to compel obedience with a subpoena; authorizing the agency to recover benefits or claims obtained by fraud through administrative hearing; providing for the confidentiality of data; and providing criminal penalties”; 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. 581 – “A Bill to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-2A-2 of said code, all relating to eliminating the sunset provision terminating the pilot domestic violence court program; continuing domestic violence court initiative designed to prevent domestic violence; expanding the initiative from one pilot court to five courts; permitting Supreme Court of Appeals to determine each domestic violence court is to be located; and making other technical and conforming changes”; which was referred to the Committee on the Judiciary.

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

Committee Reports

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

Com. Sub. for H.C.R. 5, U.S. Army PV2 Eskridge A. Waggoner Memorial Bridge,

Com. Sub. for H.C.R. 7, U.S. Army PFC Cecil Ray Ball Memorial Bridge,

Com. Sub. for H.C.R. 10, U.S. Marine Corps GySgt Lionel Collins Memorial Road,

Com. Sub. for H.C.R. 15, U.S. Marine Corps PFC Clayton Andrew Craft Memorial Bridge,

Com. Sub. for H.C.R. 17, SGT Larry Joseph Whitt Bridge,

Com. Sub. for H.C.R. 18, U.S. Air Force Staff Sergeant William Henry 'Bill' Whitman Memorial Highway,

H.C.R. 41, U.S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge,

H.C.R. 60, Requesting Joint Committee on Government and Finance study the state-level background check process for new employees and volunteers of caregiving businesses and facilities,

H.C.R. 68, Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles Phase 2,

S.C.R. 5, Coach Bill Stewart Exit,

And,

Com. Sub. for S.C.R. 20, US Army CPL Troy Matthews Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Delegate Walters, 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. 4614, Relating to the medical loss ratio contained in any Medicaid managed care contract,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4614) was referred to the Committee on Health and Human Resources.

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. 4617, Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program,

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. 2202, Relating to more equitable disbursement of funds to county boards,

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

Com. Sub. for H. B. 2202 – “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to legislative oversight commission; defining high cost/high acuity special needs; and providing for method of fund disbursement,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4465, Relating to salary equity among school systems,

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

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

By Delegates Anderson, Boggs, Frich, Westfall, Smith, Canterbury, Hamilton, Miller and E. Nelson:

H. B. 4705 — “A Bill to amend and reenact §11-21-32 and §11-21-77 of the Code of West Virginia, 1931, as amended, relating to adding an additional type of West Virginia source income of nonresident individual; and exclusion of lottery winnings as compensation for personal services.”

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. 4572, Excepting specialized contract instructors from the definition of teacher,

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. 4009, Letting Our Counties Act Locally Act,

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

Com. Sub. for H. B. 4009 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-27 1, §7-27 2, §7-27 3, §7-27 4, §7-27 5, §7-27 6, §7-27 7, §7-27 8, §7-27 9, §7-27 10, §7-27 11, §7-27 12, §7-27 13, §7-27 14, §7-27 15, §7-27 16, §7-27 17, §7-27 18, §7-27 19, §7-27 20, §7-27 21, §7-27 22, §7-27-23, §7-27 24, §7-27 25, §7-27 26, §7-27 27, §7-27 28, §7-27 29, §7-27 30, §7-27 31, §7-27 32, §7-27 33, §7-27-34, §7-27 35, §7-27 36, §7-27 37, §7-27 38, §7-27 39, §7-27 40, §7-27 41, §7-27 42, §7-27 43, §7-27 44 §7-27-45 and §7-27 46, all relating to road construction projects; providing legislative purpose and findings; defining terms; authorizing county commissions to develop road construction project plans; specifying process for development and approval of road construction project plans and plan amendments; allowing joint road construction project plans; requiring referendum for approval of certain road construction project plans; providing for amendments to road construction plans; requiring county commissions to submit road construction project plans and plan amendments to Commissioner of Highways for approval; specifying contents of application and approval process; creating new account and subaccounts in State Road Fund; allowing road construction projects be financed on cash basis or by special revenue bonds issued by Commissioner of Highways; giving Commissioner of Highways jurisdiction over all road construction projects accepted into state road system; specifying that road construction projects are public improvements; requiring annual reporting by Commissioner of Highways on county road construction projects; providing procedures and requirements for issuance of special revenue bonds and refunding bonds for county road construction projects; providing that bonds are not debts of state, county or any political subdivisions, are negotiable instruments and are exempt from taxation; specifying that persons executing bonds have no personal liability; providing that powers relating to road construction project plans, construction of projects and issuance of special revenue bonds are additional powers; allowing county commissions with approved road construction projects to impose county transportation sales and use taxes; limiting rate of taxes; requiring transactions and uses subject or exempt from county sales and use taxes to conform to state consumers sales and service tax and use tax requirements except that county tax may not apply to sales of motor vehicles, motor fuels or to purchases where local taxation is prohibited by federal law; requiring Tax Commissioner to administer, collect and enforce county transportation sales and use tax and, for that purpose, specifying a fee allowed for commissioner’s services; making county transportation sales and use taxes subject to West Virginia Tax Procedure and Administration Act and to West Virginia Tax Crimes and Penalties Act; requiring that definitions, taxable transactions and exemptions from county transportation sales and use taxes automatically update when state consumers sales and service tax and use tax laws are amended; requiring county commissions to develop and maintain county rate and boundary databases; requiring county commission to notify Tax Commissioner if tax has been imposed or tax rate has changed; specifying when collection of county transportation sales and use taxes begins; requiring that net collection of county transportation sales and use taxes be deposited in subaccount of county in county road improvement account in the State Road Fund; providing that all powers are supplemental; exempting public officers from personal liability; providing for severability; providing criminal penalties; and providing Commissioner of Highways with authority to propose rules for legislative approval.”

And,

H. B. 4612, Relating generally to tax increment financing and economic opportunity development districts,

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

Com. Sub. for H. B. 4612 – “A Bill to amend and reenact §7-11B-3, §7-11B-4, §7-11B-14, §7-11b-21 and §7-11B-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §7-11B-29 and §7-11B-30; to amend and reenact §7-22-5, §7-22-7, §7-22-8, §7-22-12 and §7-22-14 of said code; to amend said code by adding thereto two new sections, designated §7 22 23 and §7-22-24; to amend and reenact §8-38-5, §8-38-7, §8-

38-8, §8-38-12 and §8-38-14 of said code; to amend said code by adding thereto two new sections, designated §8-38-23 and §8-38-24; and to amend and reenact §11-10-11a of said code, all relating generally to tax increment financing; authorizing tax increment financing for the funding road projects in West Virginia; permitting certain agreements between the Division of Highways and counties or municipalities regarding development districts; permitting financing of certain projects by proceeds of tax increment financing obligations; permitting road construction projects be done jointly by counties and municipalities under certain circumstances; establishing procedures and requirements for applications and the management of projects and districts; providing that projects are public improvements and subject to certain requirements; permitting the Division of Highways to propose certain projects; establishing procedures for the West Virginia Development Office and the Tax Commissioner regarding applications and their review; permitting audits in certain circumstances; establishing a procedure for adding or removing property from an economic opportunity development district; requiring procedures relating to taxpayers; providing for confidentiality; providing that roads to be part of the state road system; requiring legislative rulemaking; permitting a fee to be assessed; making findings; establishing an effective date; and defining terms,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4651, Relating to professional examination requirements for hearing-aid dealers and fitters,

And reports the same back with the recommendation that it 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. 4656, Granting the Finance Division within the Department of Administration supervisory control over the Board of Accountancy,

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

Miscellaneous Business

Delegate Phillips announced that he was absent on today when the vote was taken on Roll No. 153, and that had he been present, he would have voted “Yea” thereon.

Delegates Espinosa and Householder filed forms with the Clerk’s Office per House Rule 94b to be added as cosponsors of H. B. 2202.

Delegate Sobonya filed forms with the Clerk’s Office per House Rule 94b to be added as a cosponsor of H. B. 4575 and H. B. 4577.

Delegate Ambler filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 4465.

Delegate Cooper filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. B. 4465.

Delegate J. Nelson filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4639.

Delegate Phillips filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4639.

Delegate Rowan filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4465.

Delegate White filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 4670.

At 5:19 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 23, 2016.

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