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March 7, 2017  
TWENTY-EIGHTH DAY



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Tuesday, March 7, 2017

**TWENTY-EIGHTH 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 Monday, March 6, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Frich, 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. 2672**, Eliminating conflicting provisions within current code relating to the application of payments and the assessment of delinquency fees on consumer credit sales,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2672) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2765**, Establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2765) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2731**, Clarifying civil actions heard in circuit court,

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

**Com. Sub. for H. B. 2731** – “A Bill to amend and reenact §51-2-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that only civil actions with controversial amounts exceeding \$7,500 must be heard in circuit court, except in actions relating to real estate installment sales contracts or actions confined exclusively by the Constitution to some other tribunal,”

And,

**H. B. 2726**, Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order,

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

**Com. Sub. for H. B. 2726** – “A Bill to amend and reenact §62-11B-9 of the Code of West Virginia, 1931, as amended, relating generally to authorizing home incarceration officers to arrest a participant for violating the terms and conditions of his or her supervision without a court order,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2675**, Relating to primary elections and nominating procedures,

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

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

Your Committee on Education has had under consideration:

**H. B. 2706**, Authorizing legislative rules regarding higher education,

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

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

Your Committee on Education has had under consideration:

**H. B. 2571**, Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children’s expressive and receptive language acquisition,

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

**Com. Sub. for H. B. 2571** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and

hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2704) was referred to the Committee on the Judiciary.

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. 2554**, West Virginia Contractor Licensing Act,

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

**Com. Sub. for H. B. 2554** – "A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18 and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19, §30-41-20 and §30-41-21, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article,"

With the recommendation that the committee substitute do pass.

Delegate Evans, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2752**, Relating to abuse and neglect of livestock,

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. 2752) was referred to the Committee on the Judiciary.

Delegate Hamilton, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2693**, Relating to state ownership of wildlife,

**H. B. 2696**, Relating to crossbow hunting,

And,

**H. B. 2699**, Making information about Division of Natural Resources licensees exempt from the provisions of the Freedom of Information Act,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 2693, H. B. 2696 and H. B. 2699) were each referred to the Committee on the Judiciary.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 190** - "A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-5-4 of said code, all relating to eliminating preferences for certain vendors bidding on state contracts for commodities or printing; establishing a reciprocal preference that is to be applied to resident vendors against a nonresident vendor from any state that gives or requires a preference to bidders from that state; and providing resident vendor qualifications"; which was referred to the Committee on Government Organization then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 209** - "A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term 'veteran' as that term pertains to veteran-owned businesses and fees paid to the Secretary of State"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 221** - "A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the composition of the Public Employees Insurance Agency Finance Board; reducing the number of members; and changing the experience requirements for members"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 224** - "A Bill to repeal §21-5-14, §21-5-14a and §21-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-5-15 of said code, relating to repealing the requirement for an employer's bond for wages and benefits for certain designated employers; and related requirements"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 263** - "A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used by contract carriers exclusively for the transportation of railroad personnel"; which was referred to the Committee on Roads and Transportation then the Judiciary.

A message from the Senate, by

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

**S. B. 400** - "A Bill to amend and reenact §31-15A-3 of the Code of West Virginia, 1931, as amended, relating to eliminating an unnecessary and contradictory provision concerning appointments to the West Virginia Infrastructure and Jobs Development Council"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 429** - "A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, both relating to monitoring inmate communications, generally; adding electronic communications to types of communications for which monitoring is authorized; defining terms; and authorizing law enforcement to receive inmate communications without a court order under certain circumstance"; 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. 436** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6, relating to Attorney General's investigators; allowing them to carry firearms while engaged in their official duties; establishing initial and ongoing training and certification requirements; and requiring the designated investigators be bonded through the Office of the Attorney General"; 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. 445** - "A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to amending the definition of 'abused child' to include a child conceived as a result of an act of sexual assault; and clarifying that being a victim of sexual abuse does not constitute being an abusive parent"; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

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

**H. C. R. 52** – "Requesting the Joint Committee on Government and Finance study how costs of crisis response programs and institutions such as jails, prisons and out of state juvenile placement can be reduced and redirected to fund crisis prevention and family support services such as drug courts, day report centers for juveniles and families and adult offenders, school truancy programs, and other help to schools in dealing with troubled students."

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to conduct a study on how costs of crisis response programs and institutions such as jails, prisons and out of state juvenile placement can be reduced and redirected to fund crisis prevention and family support services such as drug courts, day report centers for juveniles and families and adult offenders, school truancy programs, and other help to schools in dealing with troubled students; and, be it

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

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

Mr. Speaker (Mr. Armstead), and Delegate Boggs offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 53** – "Requesting the Division of Highways to name bridge number 04-5/6-7.33 (O4A193), (latitude 38.75026, longitude -80.74277), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, as the 'US Army Corporal Jerry Lee Noble Memorial Bridge'."

Whereas, Corporal Jerry Lee Noble was born on March 28, 1932, in Breathitt County, Kentucky, the son of George Noble and Loraine Cole Noble. Jerry Lee Noble grew up and attended a one room school in the Braxton County community of Riffle. He was inducted into the US Army on October 8, 1952, as a Private First Class; and served in the Korean War and was wounded and reported missing in action on July 9, 1953; and

Whereas, Corporal Jerry Lee Noble was discharged from the US Army on November 18, 1954. During his service in the United States Army, Corporal Jerry Lee Noble was awarded the Bronze Star



for heroic action along with the Purple Heart. He was married to Marlene Hunter Noble and they were the parents of Jerry Don Noble, Janet Noble Gibson, and Beverly Noble Smith; and

Whereas, It is fitting that an enduring memorial be established to commemorate the service of Corporal Jerry Lee Noble; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Division of Highways to name bridge number 04-5/6-7.33 (04A193), (latitude 38.75026, longitude -80.74277), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, as the "US Army Corporal Jerry Lee Noble Memorial Bridge"; and, be it

*Further Resolved, That* the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "US Army Corporal Jerry Lee Noble Memorial Bridge"; and, be it

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

Delegates Hartman, Isner, Sponaugle and Lynch offered the following resolution, which was read by its title and referred to the Committee on Rules.

**H. C. R. 54** – "Requesting the Division of Highways to name the Keren's Bridge on Corridor H (U.S. Route 48) located in Kerens, Randolph County, Bridge Number 42-48-41.0 NB-SB (42A211 & 42A212) at latitude 39.01366, longitude -79.81116, originally called the Kerens Bridge Lazy Run, the 'U.S. Army PVT Preston D. Vanscoy Memorial Bridge'."

Whereas, Private Preston D. Vanscoy was born at Kerens in Randolph County, West Virginia on April 26, 1912. Prior to entering the military service to serve in WWII he was employed by Monongahela Power Company. He trained at Camp Walters, Texas and Fort George B. Meade in Maryland before entering the war. After receiving his military training, he was sent overseas to France to enter combat against the German military. Private Vanscoy was engaged in ferocious combat against the German military in Normandy, Northern France and the Rhineland and Ardennes-Alsace in Central Europe as a member of the United States Army, 134<sup>th</sup> Infantry Regiment, 35<sup>th</sup> Infantry Division. Private Vanscoy was killed in action in France on September 30, 1944, and for his courage exhibited in combat, he was posthumously awarded the Purple Heart; and

Whereas, The ultimate sacrifice made by PVT Preston D. Vanscoy in service to his country should not go unnoticed; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the Keren's Bridge on Corridor H (U.S. Route 48) located in Kerens, Randolph County, Bridge Number 42-48-41.0 NB-SB (42A211 & 42A212) at latitude 39.01366, longitude -79.81116, originally called the Kerens Bridge Lazy Run, the "U.S. Army PVT Preston D. Vanscoy 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 bridge the "U.S. Army PVT Preston D. Vanscoy 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 Butler, Rohrbach, Queen, Martin, Higginbotham, Brewer, Howell, Arvon, Rowan, R. Romine and A. Evans offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 55** – “Requesting the Division of Highways to name the North and South bound lanes of bridge number 10713 at the intersection of U. S. Route 35 and Grimm Road # 4714, near Point Pleasant, in Mason County, ending at latitude 38.8147072, longitude -81.1117675, the ‘Dr. John McClure Grubb’ Memorial Bridge”.

Whereas, John McClure Grubb was born on April 6, 1921, in Indianapolis, Indiana. His family moved to Charleston, West Virginia, at age six. He attended Charleston High School. He earned All-State honors in football. He graduated in 1939, with a scholarship to Butler University in football, where he played football for three years. In 1941 he enlisted in the U. S. Army Air Force. That same year, he married Shirley Simpson. They had four children. He served four years in the Air Force as a Flying Sergeant as a test pilot on B-17 and B-24 bombers. In January 1945, he enrolled in West Virginia Wesleyan College in pre-med and in 1946 he transferred to the Medical School of Virginia, graduating in 1951; and

Whereas, Dr. Grubb opened his medical practice in Kanawha City, practicing there for ten years. He returned to school at Memorial Hospital and after four years as a resident in OB/Gyn he graduated and moved to Point Pleasant practicing in the Pleasant Valley Hospital OB/Gyn Department. He served the Point Pleasant community in many capacities, including donating his time and profession to the Point Pleasant High School Athletic Department for physicals for the football team. He attended every football game for twenty-five years in case he was needed if a player was injured. He was the Mason County Coroner for twenty-five years during the time of the Silver Bridge Collapse. Dr. Grubb was active in the North American Cancer Society. He also served as the doctor for the Mason County Health Department and during his career delivered more than 10,000 babies. Dr. Grubb died on February 19, 1991; and

Whereas, Naming this bridge is an appropriate recognition of Dr. John McClure Grubb’s contributions to his country, state and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the North and South bound lanes of bridge number 10713 at the intersection of U. S. Route 35 and Grimm Road # 4714, near Point Pleasant, in Mason County, ending at latitude 38.8147072, longitude -81.1117675, the “Dr. John McClure Grubb Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Dr. John McClure Grubb” Memorial Bridge”; and, be it

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

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

**H. C. R. 56** – “Requesting the Division of Highways to name the road from the mouth of Harts Creek on Harts Creek Road 1.2 miles to Warrens Way off SR 10 on CR 19 Lincoln County, the ‘U. S. Army CPL George Browning Memorial Road’.”

Whereas, George Edward Browning was born on January 28, 1949, in Harts, Lincoln County, West Virginia. Corporal George Edward Browning was an infantryman in A Troop, 3<sup>rd</sup> Squadron, 4<sup>th</sup> Cavalry, 25<sup>th</sup> Infantry Division, US Army. He began his tour of duty on January 1, 1968 in Vietnam and was killed in action on March 28, 1968, in Tay Ninh Province, South Vietnam; and

Whereas, Naming the road from the mouth of Harts Creek on Harts Creek Road to Warrens Way 1.2 mile off SR 10 on CR 19 Lincoln County, the 'U. S. Army CPL George Browning Memorial Road' is an appropriate recognition of his ultimate sacrifice to his country, state and Lincoln County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the road from the mouth of Harts Creek on Harts Creek Road to Warrens Way 1.2 mile off SR 10 on CR 19 Lincoln County, the "U. S. Army CPL George Browning Memorial Road"; and, be it

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

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

Delegates Walters, Westfall and Howell offered the following resolution, which was read by its title and referred to the Committee on Pensions and Retirement then Rules:

**H. C. R. 57** – "Requesting the Joint Committee on Government and Finance study closing the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System to employees newly hired on or after July 1, 2018 and providing new 401K type retirement plans for those employees."

Whereas, The Legislature finds that providing retirement benefits for employees is in the best interests of both employers and employees; and

Whereas, The Legislature finds that the state's contribution obligation to present defined benefit retirement plans places a disproportionate obligation on the employer as opposed to the employee; and

Whereas, For some employees, a portable 401K plan better meets the needs of the employee; and

Whereas, Many states have concluded in recent years that defined benefit retirement plans are an unsustainable burden on employers; and

Whereas, The state's burden to sustain these two pension plans for additional members threatens the financial integrity of the plans; and

Whereas, The State of West Virginia finds that it is no longer prudent to continue providing benefits under the Public Employees Retirement System and the Teachers Retirement System to persons newly hired on or after July 1, 2018; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study, in cooperation with the West Virginia Consolidated Public Retirement Board, appropriate 401K type retirement plans to be established for employees hired after July 1, 2018, who would otherwise be eligible for membership in the Public Employees Retirement System or the Teachers Retirement System; and, be it

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

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

Delegates C. Miller, C. Romine, Lovejoy, Rohrbach, Sobonya, Hicks, Thompson, Hornbuckle and Westfall offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

**H. C. R. 58** – “Requesting the Division of Highways to name the Section of U.S. Route 60 in Cabell County from the Guyan Golf and Country Club to the Huntington City Limits, the ‘William C. Campbell Memorial Highway’.”

Whereas, William Cammack Campbell was born on May 5, 1923, in Huntington, West Virginia, to Rolla and Ruth Campbell; and

Whereas, William Cammack Campbell served in the United States Army, where he saw combat duty in World War II, rose in rank to Captain and was awarded the Bronze Star for Valor and his 100<sup>th</sup> infantry division three Battle Stars; and

Whereas, William Cammack Campbell graduated from Princeton University in 1947 with a degree in history; and

Whereas, William Cammack Campbell was not only an accomplished amateur golfer, he also served a two-year term as President of the United States Golf Association (USGA) and a two-year term as the Captain of the Royal and Ancient Golf Club at St. Andrews in Scotland. Mr. Campbell is the only person ever to have led both prestigious golfing organizations; and

Whereas, William Cammack Campbell played in thirty-seven U.S. Amateurs, including thirty-three consecutively from 1941-1977, and won the event in 1964; and

Whereas, William Cammack Campbell played on eight Walker Cup teams from 1951 to 1975, captaining the 1955 team, and finished with an overall record of 11-4-2 and 7-0-1 in single matches; and

Whereas, William Cammack Campbell won three West Virginia Opens, four North and South Amateurs, and fifteen West Virginia Amateur titles; and

Whereas, William Cammack Campbell won the U.S. Senior Amateur in 1979 and 1980 and finished second overall in the 1980 U.S. Senior Open; and

Whereas, William Cammack Campbell served on the Executive Committee of the USGA from 1962-1965, and again from 1977-1984, serving as the treasurer in 1978-1979, the vice-president in 1980-1981, and as the president from 1982-1983; and

Whereas, William Cammack Campbell was awarded the Bob Jones Award in 1956, the USGA's highest honor; the Old Tom Morris Award from the Golf Course Superintendents Association of America (GCSAA) in 1991, the GCSAA's highest honor; and was inducted into the West Virginia Golf Hall of Fame in 2009; and

Whereas, William Cammack Campbell served as a member of the West Virginia House of Delegates from 1948-1951; and

Whereas, William Cammack Campbell was a lifetime owner and manager of Campbell Insurance of Huntington, WV; and

Whereas, William Cammack Campbell was an active member of the community and contributed to many organization and causes, including: Serving as President for the Marshall University Foundation, the Huntington YMCA, the Greater Huntington Chamber of Commerce and the Central Ohio Industrial Council; serving as the director of the Cabell County American Red Cross; serving as the Vice President of the Ohio Valley Improvement Association; and serving as a board member of Our Jobs, Our Children, Our Future, Inc.; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of U.S. Route 60, from the Guyan Golf and Country Club to the Huntington City Limits in Cabell County, the "William C. Campbell Memorial Highway"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated highway containing bold and prominent letters proclaiming that portion of U.S. Route 60, from the Guyan Golf and Country Club to the Huntington City Limits in Cabell County, the "William C. Campbell Memorial Highway"; and, be it

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

Delegates Gearheart, Phillips, Butler, Ellington, McGeehan, Shott, O'Neal, Paynter and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 59** – "Requesting the Division of Highways name the intersection of Athens Road and Thorn Street (Rt. 20 and Rt. 104) in Athens, Mercer County, the 'USMC LCpl Timothy J. Dunnigan Memorial Intersection'."

Whereas, Lance Corporal Dunnigan was born on December 8, 1961, in Princeton; and

Whereas, Lance Corporal Dunnigan and 240 other military personnel lost their lives when a suicide bomber crashed a truck loaded with explosives through the front gates of the U.S. Marine barracks in Beirut, Lebanon, Oct. 23, 1983, during the Lebanese Civil War; and

Whereas, On October 23, 2016, when a memorial was unveiled in Princeton for those fallen heroes, Brian Meadows, who grew up with Lance Corporal Dunnigan, reminisced about his childhood with Dunnigan. "As a child he was such a wonderful, quiet person, but he loved adrenaline. He had a little go-cart and he put a 350 car engine on it. And he was going around the neighborhood. And he stopped to talk to me. I said 'Tim, what are you going to do man'. He said 'I'm going to join the Marines man'. He said 'I'm going to see you one day soon'. So afterwards, I found out that he was killed and it was just heartbreaking. Today, I drove a long way to get here for closure"; and

Whereas, Marine Corps League Event Coordinator Rod Mayberry helped lead the ceremony said, "We were asked a couple of months ago to try to put together a memorial for our very own here in Princeton, Timothy Dunnigan. We talked about it and thought about and we said if Timothy were here he wouldn't want just the memorial for him"; and

Whereas, Mayberry described what happened at the Beirut bombings. "President Reagan sent a bunch of the Marines over there to keep two factions apart. To keep from having a civil war, to try and stop it and have a peaceful discussion. They set up a camp at the Beirut Airport. And no one had ever been attacked the way they had been attacked. There hadn't been a 5 ton 12,000-pound bomb on anybody before. So on a Sunday morning at 6 a.m., this guy drove a truck through the building and detonated it"; and

Whereas, It is fitting and proper that Lance Corporal Dunnigan, be remembered and acknowledged for having given the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the intersection of Athens Road and Thorn Street (Rt. 20 and Rt. 104) in Athens, Mercer County, the "USMC LCpl Timothy J. Dunnigan Memorial Intersection"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to erect signs at all four entrances to that intersection, containing bold and prominent letters, proclaiming the bridge the "USMC LCpl Timothy J. Dunnigan Memorial Intersection"; and, be it

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

Delegates Summers, Ward, Caputo and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 60** – "Requesting Division of Highways name bridge number SS-25-33-3.93 (39.47318, -80.05074), carrying County Route 33 over Piney Creek in Marion County, the 'William "Bill" R. VanGilder Memorial Bridge'."

Whereas, Mr. William Robert VanGilder was born on January 23, 1945, the son of Clyde and Davily Corbin VanGilder; and

Whereas, Mr. VanGilder's mother died when he was one-year-old and was raised by his paternal grandparents, Freeman and Bessie VanGilder; and

Whereas, Mr. VanGilder married Deborah Gale Mahaffey on August 15, 1970. Their son Jonathan Eric VanGilder was born on September 8, 1975, and died December 24, 1991; and

Whereas, Both Mr. VanGilder and his wife Debbie became active member of the Bunnars Ridge Volunteer Fire Department. Ms. VanGilder works as an Emergency Medical Technician for both the fire department and the Marion County Rescue Squad; and

Whereas, On April 4, 1986 the Bunnars Ridge Volunteer Fire Department (Company 3), the Marion County Rescue Squad (Station 20) and Squad 29 (Heavy Rescue) were dispatched to a farm machinery accident in Marion County with an entrapment on Tom Moran; and

Whereas, Responding to that call, the Bunnors Ridge Fire Department (Company 3) responded with an engine and an engine/tanker and the Marion County Rescue Squad responded with two ambulances and a heavy rescue (Squad 29). En route to the scene the engine/tanker that firefighter VanGilder was aboard lost control and ran off the roadway; and

Whereas, Upon exiting the road, the engine/tanker landed in a field, rolled over causing Mr. VanGilder to be ejected. Whereupon the engine/tanker then rolled on top of him, crushing him to death; and

Whereas, One of the two ambulances that responded to the original farm machinery accident was then diverted to the engine/tanker accident. The ambulance that was diverted to the fire apparatus accident was crewed by Mr. VanGilder's wife, Debbie; and

Whereas, Firefighter William R. VanGilder has been memorialized at both the West Virginia Fallen Firefighter Memorial in Charleston, and the National Fallen Firefighter Memorial at Emmetsburg, Maryland. Both of these memorials are dedicated to those firefighters who have died in the line of duty while serving their communities; and

Whereas, It is a fitting tribute to Mr. VanGilder and his unselfish heroism to name this bridge for him; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number SS-25-33-3.93 (39.47318, -80.05074), carrying County Route 33 over Piney Creek in Marion County, the "William 'Bill' R. VanGilder Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "William 'Bill' R. VanGilder 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 Highways.

Delegates Howell, Arvon, Criss, Dean, Fast, G. Foster, Frich, Sypolt, Harshbarger, Hill, Lewis, Martin and Paynter offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

**H. C. R. 61** – "Urging West Virginia's congressional delegation to require the federal Department of Health and Human Services to renegotiate state Medicaid expansion contracts to allow new ideas that have been approved for other states to be incorporated into existing contracts of any state."

Whereas, When the federal Department of Health and Human Services has allowed another state to do something different with its Medicaid expansion contracts, then it should be required to allow other states to include these other "new" options in their contracts, at least every four years.

*Resolved by the Legislature of West Virginia:*

That the Legislature of the State of West Virginia urges West Virginia's congressional delegation to require the federal Department of Health and Human Services to renegotiate state Medicaid expansion contracts to allow new ideas that have been approved for other states to be incorporated into existing contracts of any state.

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to United States Senators Joe Manchin, III and Shelley Moore Capito and to Congressional Representatives David McKinley, Alex Mooney and Evan Jenkins.

Delegates Lynch, Hartman, Iaquina, Ferro, Williams, Sponaugle, Caputo, Boggs, Diserio, R. Romine and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 62** – “Requesting the Division of Highways to name the portion of West Virginia Route 20 from mile marker 7.30 to mile marker 19.94, in Webster County, the ‘Webster County Veterans Highway’.”

Whereas, A large number of Webster County men and women have served in the nation’s Armed Forces; and

Whereas, Webster County veterans have been wounded or lost their lives in military service; and

Whereas, The citizens of Webster County wish to honor the memory and sacrifices of its many veterans with a fitting memorial; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the portion of West Virginia Route 20 from mile marker 7.30 to mile marker 19.94, in Webster County, the “Webster County Veterans Highway”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the designated portion of highway containing bold and prominent letters proclaiming the portion of highway the “Webster County Veterans Highway”; and, be it

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

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

**H. R. 12** – “Calling on all agencies of the State of West Virginia to adhere to essential standards of accessibility to the public.”

Whereas, Public offices and agencies of the state are created to serve the people and to be answerable to them; and

Whereas, The First Amendment of the United States Constitution protects the right of the people to petition the government for the redress of grievances; and

Whereas, Some public offices and agencies may, at times, neglect the courtesy of providing information to assist the public in calling, writing or otherwise seeking answers or petitioning to be heard; and

Whereas, The people of this state now regularly use a variety of means – personal, written and electronic – to communicate in their daily lives and the agencies of government must accommodate all of these means; therefore, be it



*Resolved by the House of Delegates:*

That the House of Delegates calls upon every agency of the state to include, if available, a United States mailing address, electronic mail address, telephone number and fax number on every paper or electronic publication presented or offered to the public; and, be it

*Further Resolved,* That every agency of the state should include the foregoing information in a readily apparent position on the main page of any website that is administered or maintained by the agency; and, be it

*Further Resolved,* That, where possible, the agency's main webpage should be formatted in such a manner that the primary telephone number may be dialed from the webpage when accessed with a mobile telephone device; and, be it

*Further Resolved,* That every agency should endeavor to prevent excessive delays and waiting times for telephone calls to be answered, with no delays exceeding three minutes.

### **Bills Introduced**

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

**By Delegates Summers, Atkinson, Ellington, Rohrbach and Shott:**

**H. B. 2808** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, §27-5A-6, §27-5A-7, §27-5A-8, §27-5A-9, §27-5A-10, §27-5A-11, §27-5A-12, §27-5A-13, §27-5A-14, §27-5A-15, §27-5A-16 and §27-5A-17, all relating to establishing assisted outpatient treatment of persons suffering from mental illness; defining terms; setting forth policy and goals of the Legislature in establishing assisted outpatient treatment; requiring legal proceedings; and setting forth the procedure by which assisted outpatient treatment be implemented"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Statler, Pethel, Moye, Hill and Kessinger:**

**H. B. 2809** - "A Bill to amend and reenact §18-9A-12 of the Code of West Virginia, 1931, as amended, relating to basic state aid to public education: providing an adjustment to the allocated state aid share to any county on account of, and in the amount of, payments or contributions in lieu of property tax distributed from the sheriff to the county board of education as a result of payment in lieu of tax agreements first entered into on or after July 1, 2016"; to the Committee on Education then Finance.

**By Delegate Rowe:**

**H. B. 2810** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers and creating a litigation practice license for social workers"; to the Committee on Government Organization then the Judiciary.

**By Delegates Hanshaw, Hartman, Kelly, Boggs, Miley, Shott, Nelson, Anderson, Westfall and Hamrick:**

**H. B. 2811** - "A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to the definition of above ground storage tanks to clarify and amend categories of exempt devices"; to the Committee on Energy then the Judiciary.

**By Delegates Rohrbach, G. Foster, Lewis, Walters, Hanshaw and Boggs:**

**H. B. 2812** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, §16-52-2 and §16-52-3, all relating to the creation of the Office of

Rural Health within the Center for Rural Health Development, Inc.; creating a steering committee; and establishing structure and responsibilities”; to the Committee on Government Organization then Finance.

**By Delegates Walters, Howell, Phillips, McGeehan and Barrett:**

**H. B. 2813** - “A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing number of limited video lottery terminals allowed at a retail location; and requiring Lottery Commission to conduct a bid for current permit holders prior to September 1, 2017”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary then Finance.

**By Delegate Miley**

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

**H. B. 2814** - “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-18b of said code; to amend and reenact §17A-2-13 of said code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact §17A-7-2; to amend and reenact §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of the said code; and to amend and reenact §17D-2-2 of said code, all relating generally to increasing the funding for the State Road Fund by increasing Division of Motor Vehicle administrative fees and motor fuel excise taxes; changing the flat rate component of the motor fuel excise tax from twenty and one-half cents to thirty and one-half cents per invoiced gallon of motor fuel and on each gallon equivalent for alternative fuel; and to increasing the minimum average wholesale price of motor fuels for purposes of the five percent variable fuel tax as of specified date, deleting superfluous language relating to floorstocks, specifying effective date, increasing Division of Motor Vehicle administrative fees, increasing the fee for vehicle records and the certified record fee; increasing the registration fee for Class A motor vehicles, increasing the fee for the issuance and duplication of various documents by the division including titles, registration, plates and decals; increasing the fee for recording liens and releases; increasing the vehicle transfer fees; increasing the fee for issuance, duplication and renewal of a driver’s license and identification card; requiring the payment of the fee for each attempt at the written and road skills test; increasing the fee for driving records; increase these administrative DMV fees every five years on September 1 of the fifth year based on the U.S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index; and specifying effective dates”; to the Committee on Roads and Transportation then Finance.

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

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

**H. B. 2815** - “A Bill to repeal §18B-1-5a, §18B-1-8b, §18B-1-10 of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-3 and §18B-1A-5 of said code; to repeal §18B-1B-10 and §18B-1B-13 of said code; to repeal §18B-2-5 and §18B-2-7 of said code; to repeal §18B-5-2a of said code; to amend and reenact §18B-1-2 and §18B-1-6 of said code; to amend and reenact §18B-1B-1, §18B-1B-2, §18B-1B-4, §18B-1B-5 and §18B-1B-6 of said code; to amend and reenact §18B-1D-2, §18B-1D-4 and §18B-1D-7 of said code; to amend and reenact §18B-2A-3 and §18B-2A-4 of said code; to amend and reenact §18B-3-1 of said code; to amend and reenact §18B-4-7 of said code; to amend and reenact §18B-5-4 and §18B-5-9 of said code; to amend and reenact §18B-10-1, §18B-10-1c, §18B-10-8 and §18B-10-16 of said code; to amend and reenact §18B-19-4, §18B-19-5, §18B-19-6, §18B-19-7, §18B-19-10, §18B-19-13 and §18B-19-14 of said code; and to amend said code by adding thereto two new sections, designated §18B-19-19 and §18B-19-20, all relating to higher education governance generally; defining terms; repealing obsolete provisions of code; clarifying scope of rule-making authority of Higher Education Policy Commission, Council for Community and Technical College Education and certain institutions of higher education; providing for rule-making

procedures; providing for shorter time period for the commission and council to review and comment on rules proposed by governing boards of institutions of higher education; providing legislative intent; providing for composition of the commission; providing for primary responsibility of the commission; updating and clarifying powers of the commission; limiting authority of the commission over certain institutions of higher education; eliminating authority of the commission to assess institutions for payment of expenses of commission and for funding of statewide higher education services, obligations or initiatives on and after July 1, 2018; eliminating outdated language; eliminating authority of the commission with respect to certain financial and budget reviews and approvals; providing for updated authority and powers of the chancellor of the commission; expanding authority of certain governing boards over appointment of presidents of certain higher education institutions; eliminating requirement for approval by the commission of appointment of presidents for certain institutions of higher education; eliminating jurisdiction of the commission relative to the accountability system over certain institutions of higher education; providing for updated responsibility of the commission in development and advancement of public policy agenda and collection of data for certain institutions of higher education; eliminating certain reporting responsibilities for certain institutions of higher education; eliminating authority of the commission over institutional compacts of certain institutions of higher education; eliminating requirement for certain institutions of higher education to prepare an institutional compact for submission to the commission; eliminating application of certain data-based measures on certain institutions of higher education; eliminating commission approval of institutional compacts of certain institutions of higher education; eliminating authority of the chancellor over coordination of policies, purposes and rules of governing boards of certain institutions of higher education; eliminating requirement for governing boards to cooperate with West Virginia Network for Educational Telecomputing on certain matters; eliminating requirement for WVNET to generate certain reports; updating powers of governing boards; eliminating requirement of commission approval of master plans for certain institutions of higher education; providing that rules of the commission and the council related to administering a system for the management of personnel matters do not apply to certain institutions of higher education; providing for legislative findings and purposes; clarifying authority of certain governing boards to delegate authority to their presidents; clarifying authority of commission and governing boards of certain institutions of higher education with respect to development of rules for accreditation and determination of minimum standards for conferring degrees; eliminating authority of the commission and the council to revoke an institution's authority to confer degrees when the governing board or its chief executive officer does not provide certain information to the commission or the council; eliminating applicability of certain commission and council rules on certain institutions of higher education; requiring certain governing boards to promulgate and adopt rules related to acquisitions and purchases; clarifying authority of certain governing boards over certain purchasing activities; authorizing prepayment by the commission, council or governing boards in certain instances; expanding scope of authorized purchasers of certain purchase contracts; updating power of the Joint Committee over performance audits of purchasing; updating authority of the commission, the council and governing boards over purchase card procedures; requiring certain governing boards to establish purchasing card procedures; updating certain best practices applicable to ensuring fiscal integrity of institutions of higher education; authorizing additional situations where emergency purchase card use is permitted; updating time frame for payment of fees by students; updating applicability of rule by commission and council for tuition and deferred payment plans; authorizing certain governing boards to propose a rule related to tuition and fee deferred payment plans; authorizing certain governing boards to authorize a mandatory auxiliary fee without commission approval; updating tuition and fee increase percentage that requires commission or council approval; updating conditions commission or council are required to consider in determining whether to approve a tuition or fee increase; revising requirements and parameters for certain revenue bonds issued by certain governing boards; updating approvals required for issuance of certain revenue bonds by state institutions of higher education; providing for deposit of certain fees by certain governing boards into single special revenue account; requiring each governing board to adopt a campus development plan; updating time frame for reporting to the

commission and the council of campus development plans; eliminating requirement for commission approval of campus development plans of certain governing boards; eliminating commission approval over certain capital and maintenance project lists; authorizing certain governing boards to undertake projects not contained in campus development plans; eliminating certain commission and council approvals related to capital improvements; updating conditions to be met for certain institutions to be responsible for capital project management; updating requirements for capital project management rule to be promulgated and adopted by certain governing board; eliminating certain requirements related to leasing of real property by the commission, the council, and governing boards; expanding permitted uses of proceeds from sale, lease, conveyance or other disposal of real property received by the commission, the council or a governing board; eliminating requirement of commission approval for certain real estate and construction transactions; authorizing conveyance of real property or any interest therein from governing board to a real estate foundation; providing for procedures related to a real estate foundation; providing for conditions associated with transfer of real property to a real estate foundation by governing board; providing the purpose of real estate foundations; clarifying that real estate foundation provisions do not waive or abrogate sovereign immunity; clarifying that obligations of real estate foundations do not constitute debts or obligations of institution of higher education; setting forth the conditions for a conveyance of property; permitting the governing boards of exempted schools to take certain actions without commission approval; and requiring certain governing boards to provide notice of actions to the commission, and if requested, provide certain information to the commission"; to the Committee on Education then the Judiciary.

**By Delegate Miley**

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

**H. B. 2816** - "A Bill to amend and reenact §11-13X-4 and §11-13X-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3, §11-15-8 and §11-15-9 of said code; to amend and reenact §11-15A-2 of said code; to amend and reenact §11-16-13 of said code; to amend said code by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, §11-28-8, §11-28-9, §11-28-10, §11-28-11, §11-28-12, §11-28-13, §11-28-14 and §11-28-15, all relating to taxation, generally; eliminating new film tax credits but preserving credit for taxpayers authorized to claim credit prior to specified date; increasing rate of consumer sales and service tax and use tax to 6.5% and providing for rate of tax to revert to 6% on and after July 1, 2020 as long as certain parameters are met with respect to the revenue shortfall reserve funds; limiting the exemption or exception of certain professional services from consumers sales and service tax and use tax; terminating exemption from consumers sales and service tax and use tax for certain advertising services; eliminating exemption from consumers sales and service tax for certain purchases of materials acquired for use in state highway projects; increasing rate of barrel tax on nonintoxicating beer; creating the West Virginia Personal Income Tax Study Commission to study the feasibility of eliminating the West Virginia personal income tax; providing for the members and operation of the commission; requiring the commission to submit a report by specified date; permitting certain confidential information to be disclosed to the commission and prohibiting further disclosure of confidential information received by the commission; exempting certain information received by the commission from the West Virginia Freedom of Information Act; providing criminal and civil penalties for unauthorized disclosure; imposing new tax on privilege of engaging in commercial activity in this state; defining terms; specifying measure of commercial activity tax; providing for administration of commercial activity tax; exempting certain entities from commercial activity tax; providing credit against commercial activity tax for payment of certain gross receipts taxes to state; imposing criminal penalties for noncompliance; providing for severability; specifying effective date; and providing sunset date of July 1, 2020 for elimination of the commercial activity tax as long as certain parameters are met with respect to the revenue shortfall reserve funds"; to the Committee on Finance.

**By Delegates Walters, Nelson and Espinosa:**

**H. B. 2817** - "A Bill to amend and reenact §18-9A-6a of the Code of West Virginia, 1931, as amended, relating to the unfunded liability of the state Teachers Retirement System; extending the time period used by the actuary in determining the allowance for the reduction of any unfunded liability of the state Teachers Retirement System; and providing for certain transfers from the state debt reduction fund to the Teachers Retirement Fund"; to the Committee on Finance.

**House Calendar****Third Reading**

**Com. Sub. for H. B. 2367**, Establishing a criminal offense of organized retail crime; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 63**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Folk, McGeehan, Pushkin and Wilson.

Absent and Not Voting: Ellington, Fleischauer and Lynch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2367) passed.

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

**Com. Sub. for H. B. 2579**, Increasing the penalties for transporting controlled substances; on third reading, coming up in regular order, was read a third time.

During the debate, points of order were made regarding the content of the remarks of some members and Mr. Speaker, Mr. Armstead reminded members to confine their remarks to the bill before the House.

Delegates Marcum and Eldridge requested to be excused from voting on the passage of Com. Sub. for H. B. 2579 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. 64**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Fluharty, Folk, Hill, Hornbuckle, McGeehan, Pushkin, Robinson, Rowe and Sponaule.

Absent and Not Voting: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2579) passed.

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

**Com. Sub. for H. B. 2674**, Relating to access to and receipt of certain information regarding a protected person; 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. 65**), 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: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) 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. 2678**, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions; 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. 66**), 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: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2678) passed.

Delegate Cowles moved that the bill take effect January 1, 2018.

On this question, the yeas and nays were taken (**Roll No. 67**), 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: Ellington and Fleischauer.

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. 2678) takes effect January 1, 2018.

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

**H. B. 2691**, Allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber; 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. 68**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fluharty, Hornbuckle and Moye.

Absent and Not Voting: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2691) 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. 2725**, Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 69**), and there were—yeas 59, nays 39, absent and not voting 2, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Ellington and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2725) passed.

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

### **Second Reading**

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

**S. B. 176**, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes,

And,

**S. B. 188**, Correcting definition of “telehealth” in medication-assisted treatment programs.

### **First Reading**

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

**Com. Sub. for H. B. 2503**, Relating to the rulemaking authority for Board of Osteopathic Medicine,

**Com. Sub. for H. B. 2526**, Classifying additional drugs to Schedules I, II, IV and V of controlled substances,

**Com. Sub. for H. B. 2540**, Permitting a person to practice certain professions for limited time for a charitable function,

And,

**H. B. 2628**, Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine.

### **Leaves of Absence**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington and Fleischauer.

### **Miscellaneous Business**

Delegate Lynch announced that he was absent when the vote was taken on the passage of Com. Sub. for H. B. 2367 and that had he been present, he would have voted "Yea" thereon.

Delegate Folk asked and obtained unanimous consent that the remarks of Delegates McGeehan, Fluharty and Sponaugle regarding Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Frich asked and obtained unanimous consent that the remarks of Delegate Hollen regarding Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Espinosa asked and obtained unanimous consent that the remarks of Delegate Shott on yesterday regarding an amendment offered by Delegates Folk and McGeehan to Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegates Eldridge, Hornbuckle and Pushkin regarding Com. Sub. for H. B. 2579 be printed in the Appendix to the Journal.

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

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2326.

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2566.

At 1:30 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 8, 2017.

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





## HOUSE CALENDAR

Wednesday, March 8, 2017

29<sup>th</sup> Day

11:00 A. M.

### THIRD READING

- S. B. 176 - Repealing article concerning detection of tuberculosis, high blood pressure and diabetes (SUMMERS) (REGULAR)
- S. B. 188 - Correcting definition of "telehealth" in medication-assisted treatment programs (SUMMERS) (REGULAR)

### SECOND READING

- Com. Sub. for H. B. 2503 - Relating to the rulemaking authority for Board of Osteopathic Medicine (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2526 - Classifying additional drugs to Schedules I, II, IV and V of controlled substances (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2540 - Permitting a person to practice certain professions for limited time for a charitable function (HOWELL) (REGULAR)
- H. B. 2628 - Relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine (HOWELL) (REGULAR)

### FIRST READING

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

**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**WEDNESDAY, MARCH 8, 2017**

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

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

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

**COMMITTEE ON FINANCE  
9:00 A.M. & 2:00 P.M. – ROOM 460M**

**COMMITTEE ON GOVERNMENT ORGANIZATION  
9:00 A.M. & 3:00 P.M. – ROOM 215E**

**COMMITTEE ON VETERANS' AFFAIRS  
1:00 P.M. – ROOM 434M**

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**FRIDAY, MARCH 10, 2017**

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

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