

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



March 16, 2017
THIRTY-SEVENTH DAY

Thursday, March 16, 2017

THIRTY-SEVENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, March 15, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2402, Relating to abandoned antique vehicles,

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

Com. Sub. for H. B. 2402 – “A Bill to amend and reenact §17-24A-1 and §17-24A-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17-24A-6a; and to amend and reenact §17A-4-10 of said code, all relating to abandoned motor vehicles; adding new definitions; establishing a process for automobile auctions to obtain title to and sell motor vehicles abandoned on its premises; creating a special procedure for a person to apply for and receive title to an abandoned antique motor vehicle valued at \$7500 or less; providing for the issuance of a Vehicle Removal Certificate to remove an antique motor vehicle from private property with permission of the property owner; providing that the Division of Motor Vehicles to search for the owner and lienholders of the motor vehicle and provide notice of the application for title to the vehicle; creating a procedure for the owner or lienholders to reclaim the vehicle within 30 days of notice of an application for title to the vehicle; establishing fees to accompany an application for title to the vehicle; establishing fees for reclamation of the vehicle by owner or lienholder; creating a misdemeanor offense of interference with a person who has acquired title to an antique motor vehicle attempting to recover the vehicle from private property and establishing penalties upon conviction thereof; directing the division to promulgate rules and forms to effectuate new procedure; allowing an insurance company to obtain a salvage certificate or a cosmetic total loss salvage certificate after paying a total loss claim on a vehicle; and creating a process by which an automobile auction may apply for and obtain a salvage certificate or a nonrepairable motor vehicle certificate for certain vehicles on its property received from an insurer who subsequently denies a claim on the vehicle or otherwise does not obtain ownership of the vehicle; and providing for indemnity by the applicant to the Division of Motor Vehicles for the erroneous issuance of such title,”

H. B. 2471, Relating to insurance coverage for breast cancer screening,

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

Com. Sub. for H. B. 2471 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend and reenact §16-5A-2 of said code; to amend said code by adding thereto a new section, designated §33-15-4o; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to breast cancer screening; requiring director to develop certain information regarding breast density for use in educating patients; requiring director to work with radiologists and mammography facilities regarding dissemination of certain information; and requiring that certain breast cancer screening be included within certain health insurance policies,”

And,

H. B. 2637, Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage,

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

Com. Sub. for H. B. 2637 – “A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective to determine status of retirement benefits during employment as critical needs substitute teacher; restating reporting requirement to legislative committees; extending date for expiration of provisions related to employment of retired teacher as substitute teach beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment and options for posting; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; clarifying that provisions relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in accordance with other provisions; eliminating any requirement for successive postings where there were no qualified applicants in response to the initial posting; and allowing financial incentives for purposes of recruiting professional personnel in critical needs areas and to attract professional personnel in a critical need or shortage area,”

With the recommendation that the committee substitutes each 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. 2552, Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2552) was referred to the Committee on Finance.

Delegate Hanshaw, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 15th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2347), Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

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

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

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2788) was referred to the Committee on Government Organization.

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

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

H. B. 2804, Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members,

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2804 and H. B. 2838) were each referred to the Committee on Health and Human Resources.

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

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

H. B. 3034, Exempting military retirement income from personal income tax after specified date,

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. 3034) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 2819, Terminating the State Agency for Surplus Property,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2819) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H.B. 2698, Providing certain notice to civil service exempt employees dismissed from employment due to change in administration,

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. 2698) 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. 2936, Requiring competitive bidding for all state purchases of commodities, printing and services,

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. 2936) 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. 2798, Clarifying provisions relating to candidates unaffiliated with a political party,

And reports the same back with the recommendation that it 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. 2797, Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records,

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

Com. Sub. for H. B. 2797 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-23, relating to codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records of governmental agencies for unlawful acts,”

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. 2702, Relating to excused absences for personal illness from school,

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

Com. Sub. for H. B. 2702 – “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to documentation of unexcused absences from compulsory school attendance; limiting excused absences for personal illness or injury in the family to those of student’s parent, guardian or custodian and requiring confirming statement from medical provider; requiring all documentation related to absences be provided to school no later than three days of occurrence; authorizing notice in the case of three unexcused absences to be made by means other than written; removing provision for designated representative of principal for conference on unexcused absences and clarifying responsibility of administrative head or other chief administrator of school for meeting; and making other technical clarifications,”

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. 2738, Providing flexibility in the transfer process of school personnel,

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

Com. Sub. for H. B. 2738 - “A Bill to amend and reenact §18A-2-7 of the Code of West Virginia, 1931, as amended, relating generally to the transfer of school personnel; providing flexibility in the

employee transfer process; removing April 1 deadline for notifying employee that he or she is being considered for transfer; specifying circumstances which must be known or expected for considerations of transfer; requiring employee to be transferred be provided with a statement of the reason for the proposed transfer; removing requirement that employee to be transferred request reason for transfer in writing; requiring hearing on proposed transfer occur within twenty days of receipt of a hearing request; removing May 1 deadline for list of employees considered for transfer to be furnished to board; requiring written notice to employee following board meeting and if approved by the board, stating transfer and reassignment and reasons; requiring transferred employee to report to the new assignment upon the date specified in the notice, but no sooner than ten days following receipt of notice, unless another date can be mutually agreed upon by the superintendent and employee; making all transfers subject to limitations of other provisions respecting special populations and service personnel; removing the reassignment process that can occur when actual student enrollment in a grade level or program is unforeseen on or before May 1 of the preceding school year; and retaining provisions limiting transfers to least senior qualified personnel and prohibiting change in contract term, compensation or benefits as result of reassignment,”

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2845, Establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate's conviction,

And,

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

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

In accordance with the former direction of the Speaker, the bills (H. B. 2845 and H. B. 2961) were 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. 2767, Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks,

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

Com. Sub. for H. B. 2767 – “A Bill to amend and reenact §31B-1-111 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31D-5-504 of said code; to amend and reenact §31E-5-504 and to amend and reenact §47-9-4 of said code; and to amend and reenact §56-3-31, §56-3-33, §56-3-33a and §56-3-34 of said code, all relating to requiring the Secretary of State to create a preservation duplicate of registered or certified mail returned to the Secretary of State; permitting the Secretary of State to destroy or otherwise dispose of original returned or undeliverable

mail; and requiring written notice of such action be provided to the circuit clerks of the state by certified mail, facsimile or by electronic mail,”

H. B. 2828, Changing the number of strikes in jury selection in felony cases,

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

Com. Sub. for H. B. 2828 – “A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing the number of strikes in jury selection in felony cases to provide five strikes to the accused and three strikes to the prosecution; and setting forth the order the strikes are to be taken,”

And,

H. B. 3030, Relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals,

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

Com. Sub. for H. B. 3030 – “A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals and providing that every party shall be afforded an opportunity to be heard and a written decision on the merits on appeal,”

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

A message from the Senate, by

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

S. B. 28 - “A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers or county sheriffs; authorizing creation of regional recreation authority as joint development entity formed by three or more contiguous counties; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation area; and establishing criminal penalties and civil remedies”; which was referred to the Committee on Agriculture and Natural Resources then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 187 - “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to confidentiality of medical records for patients’ physical,

mental or emotional conditions generally; eliminating disclosure exception for treatment or internal review purposes; eliminating 30-day requirement; eliminating requirement that provider make good faith effort to obtain consent from the patient or legal representative; eliminating requirement that the minimum information necessary is released for a specifically stated purpose; eliminating requirement that prompt notice of the disclosure, the recipient of the information and the purpose of the disclosure is given to the patient or legal representative; and adopting provisions of federal law which pertain to disclosure of protected health information"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 302 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017."

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 302) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 303 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health - West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services - Health Care Provider Tax - Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 306 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Commerce, Workforce West Virginia - Workforce Investment Act, fund 8749, fiscal year 2017, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 454 - "A Bill to repeal §38-5B-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12D-1a of said code; to amend and reenact §38-5B-5 and §38-5B-9 of said code; to amend and reenact §49-4-716 of said code; and to amend and reenact §51-2A-8 of said code, all relating to providing more efficient collection and submission of state moneys received as a result of certain court transactions or court services; eliminating certain fees generated by suggestee executions; providing for monthly remittance of moneys collected by clerk of court from assessments on claims filed under Medical Professional Liability Act; directing clerk of court to remit certain assessments on claims filed under Medical Professional Liability Act to State Treasury; directing payment of certain sums collected pursuant to execution of judgment to be paid to judgment creditor; directing clerk of court of conviction to collect any fees collected for teen court program and remit monthly to sheriff for deposit in appropriate account; directing circuit clerk to remit moneys received for duplication of family court records to remit amounts received to State Treasury for deposit in West Virginia Supreme Court of Appeals Fund; and making technical corrections"; 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. 497 - "A Bill to amend and reenact §55-7-19 of the Code of West Virginia, 1931, as amended, relating to liability for health care providers who provide services at school athletic events; providing that persons licensed, certified or registered in this state or another state to provide health care or professional health care services are subject to limited liability if they render emergency care or treatment at a public or private elementary or secondary school athletic event; outlining circumstances under which liability can be limited; eliminating provisions limiting liability to the extent of insurance coverage; eliminating reference to standard of care in medical professional liability act; and establishing that acts of willful misconduct are not subject to limited liability"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 5 – "Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, - 82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the 'U. S. Army PFC John Ira Pinkerman Memorial Bridge'."

Whereas, John Ira Pinkerman was born in Huntington, West Virginia, in 1921 and was raised on Green Valley Road near Bowen Ridge in Cabell County; and

Whereas, John Ira Pinkerman married Geneva Frances Alley in 1941 and they had one child, John Alan Pinkerman, born May 19, 1943; and

Whereas, PFC John Ira Pinkerman was drafted into the U. S. Army on January 18, 1944; and

Whereas, PFC John Ira Pinkerman was killed in action in Northeast France on January 12, 1945; he is one of five thousand two hundred fifty-five soldiers laid to rest in the U. S. Military Cemetery in Epinal, France; and

Whereas, It is fitting and proper that PFC John Ira Pinkerman be remembered and acknowledged for his dedicated service to this country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 06-35-3.83 (06A086) (38.36457, - 82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the "U. S. Army PFC John Ira Pinkerman 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 identifying the bridge as the "U. S. Army PFC John Ira Pinkerman Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 8 – "Requesting Division of Highways name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the 'Donnie Adkins Memorial Bridge'."

Whereas, Mr. Adkins was born on November 26, 1977, in Charleston and attended DuPont High School. He was most recently employed by the Capital Resource Weatherization Program in Montgomery. He was a member of the Glasgow Volunteer Fire Department and had been a member of the Rand Volunteer Fire Department; and

Whereas, Mr. Adkins died on March 13, 2010, while assisting with a swift water rescue during flooding at Beaver. He and his crew had successfully rescued fifteen people before their boat capsized, throwing all three of them into the water. The other two were rescued shortly thereafter; and

Whereas, Mr. Adkins was a loving son, brother, father and friend to many, especially his friends at the fire department where he spent many hours. He was known for his love of WVU football and basketball and NASCAR; and

Whereas, Hundreds of people attended the funeral service for Mr. Adkins in the gymnasium at Riverside High School where his casket was draped with an American flag. His uniform sat next to it along with dozens of flower arrangements and a sea of blue and white as dozens of his fellow first responders paid their respects to him; and

Whereas, Chaplain Dee Gibson with the Cedar Grove Volunteer Fire Department spoke at the service about how Mr. Adkins knew their lives were in danger saying, "He gave his life so another could live. He didn't just save one life that day, he saved many."; and

Whereas, State Fire Marshal Sterling Lewis addressed members of the Glasgow Volunteer Fire Department during the service by saying, "Return to what you do best. I think that's what Donnie would want you to do." Mr. Lewis also thanked Mr. Adkins' family for allowing him to become a volunteer adding, "Without you sharing time, he could not have done that."; and

Whereas, Mr. Adkins' father spoke during the service, thanking the first responders for their hard work and dedication. He also asked everyone in the crowd never to take life for granted saying,

“Everyone here that has children or grandchildren turn and give them a big hug because you never know from one minute to the next. Do everything with your kids while you can. To be truthful, wish it could have been me, instead of him.”; and

Whereas, Governor Joe Manchin attended the funeral service and thanked Mr. Adkin’s family, along with other emergency workers; and

Whereas, When the funeral service ended, local fire departments were dismissed slowly out of the gymnasium. Mr. Adkins’ casket was in a fire truck, escorted by several other fire trucks to the Kanawha Valley Memorial Gardens along Route 60 in Glasgow where the graveside service ended with a last call to Mr. Adkins over the radio; and

Whereas, Mr. Adkins will always be a hero to all the family and friends he leaves behind; and

Whereas, It is a fitting tribute to Mr. Adkins and his unselfish heroism to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the “Donnie Adkins Memorial Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the “Donnie Adkins 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 identifying the bridge as the “Donnie Adkins Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 11 – “Requesting the Division of Highways to name bridge number 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the ‘USMC Lance Corporal Edwin Russell “Snook” Danehart Memorial Bridge’.”

Whereas, Edwin Russell “Snook” Danehart was born in Elm Grove, West Virginia, on July 31, 1947, the son of Carl and Della Behrens Danehart; and was the third youngest of fifteen children and affectionately known as “Snook” to those that knew him. He attended Sherrard High School and graduated in 1965 where he was awarded the Future Farmers of America Blue Ribbon for raising a prize Black Angus bull. He was a member of the Saint Mark’s Lutheran Church in Wheeling, West Virginia; and

Whereas, Edwin Russell “Snook” Danehart entered service to his country during the Vietnam Conflict in 1968 where he served in the United States Marine Corps attaining the rank of Lance Corporal. Lance Corporal Edwin Russell “Snook” Danehart paid the ultimate price on May 8, 1969, when his life was cut short in South Vietnam; and

Whereas, Naming this bridge is an appropriate recognition of Lance Corporal Edwin Russell "Snook" Danehart's ultimate sacrifice to his country, state and community and it is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the "USMC Lance Corporal Edwin Russell 'Snook' Danehart 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 "USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 14 – "Requesting the Division of Highways name bridge number 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, the 'U. S. Army PVT Oren J. "Junior" Johnson Memorial Bridge'."

Whereas, Oren J. "Junior" Johnson was born July 22, 1922, in Midway, Putnam County, West Virginia, to his parents William E. Johnson and Veralie Bell McAllister Johnson; and

Whereas, Until he entered into the United States Army, Junior worked as a farmhand. On January 6, 1943, at the age of twenty, Junior entered the United States Army in Huntington, West Virginia. He served in Company L 133rd Infantry at the rank of private as a rifleman; and

Whereas, PVT Johnson served in the European Theatre during World War II. He served in campaigns in Naples-Foggia, Rome-Arno and North-Appenines, Italy. In October 1944, PVT Johnson was wounded in action and lost his right arm and left leg; and

Whereas, PVT Johnson was awarded a Purple Heart. He also received European-African-Middle Eastern Campaign Medal with three Bronze Campaign Stars and the Honorable Service Lapel Button; and

Whereas, PVT Johnson was honorably discharged from the Army on June 18, 1945, at the Walter Reed General Hospital in Washington, D.C. He resided in the Buffalo, West Virginia, area until the time of his death on June 23, 1993; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service and sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, be named the "U. S. Army PVT Oren J. 'Junior' Johnson 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 identifying the bridge as the "U. S. Army PVT Oren J. 'Junior' Johnson Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

Com. Sub. for S. C. R. 15 – "Requesting the Division of Highways to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the 'U. S. Army CPL Herbert "Herb" Linkous Memorial Bridge'."

Whereas, Herbert "Herb" Linkous lived in Kopperston, West Virginia, from 1957 until his death in 2015 with his wife Betty and their five children; and

Whereas, Herb worked for more than 30 years in the coal mines, retiring from Peabody Coal at Kopperston; and

Whereas, Herb served as an officer and representative of United Mine Workers Kopperston Local 7604 for nearly 20 years, working to make certain that miners were treated fairly and had safe working conditions; and

Whereas, Herb was a U. S. Army Veteran, serving in World War II in the Asiatic-Pacific Theater from September 5, 1946, until April 15, 1947, and was awarded the World War II Victory Medal; and

Whereas, Herb also served in the U. S. Army from January 30, 1948, until January 29, 1952, in Korea and was honorably discharged after obtaining the rank of Corporal. During his service in Korea, Herb and his company endured heavy artillery combat and were engaged in hand-to-hand combat. For his service, he was awarded the Bronze Star Medal, the Korean Service Medal with three Bronze Service Stars, the Good Conduct Medal, the Distinguished Unit Emblem and the Overseas Bar; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the "U. S. Army CPL Herbert 'Herb' Linkous 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 identifying the bridge as the "U. S. Army CPL Herbert 'Herb' Linkous Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 17 – “Requesting the Division of Highways name bridge number 19-340-14.66 (19A037), (39.32014, - 77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the ‘John Hancock Hall Memorial Bridge’.”

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun maker, signed a contract with the United States War Department to produce 1,000 breech-loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry where he constructed an industrial complex along the Shenandoah River. This site soon became known as Hall’s Rifle Works and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts—a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall’s innovations in construction, tools, controls, stops and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall’s methods of interchangeable parts, while working at his factories in Harpers Ferry, went on to apply those methods to production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall’s methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production, the American System; and

Whereas, Hall’s achievement formed the basis of mass production that ushered in our modern age; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037), (39.32014, - 77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the “John Hancock Hall 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 identifying the bridge as the “John Hancock Hall Memorial Bridge”; and, be it

Further Revolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 18 – “Requesting the Division of Highways to name bridge number 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the ‘U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge’.”

Whereas, Walter V. Filipek was born in Raleigh, West Virginia, on June 16, 1925, into a family with a tremendous tradition of service to the United States. Walter’s father, Anton, served as an Army Sergeant in a machine gun crew. Walter’s brothers also served: Joseph served in the Army in Italy during World War II; Edward served in the Navy during the Korean War from 1952-1954; Theodore served in the Air Force in Korea from 1955-1959; and Andrew served in the Army in Korea; and

Whereas, Walter served with the Sixth Marine Division and fought at Okinawa. During the Battle of Okinawa, while under intense enemy fire, Walter moved forward from his concealed position and rescued his wounded squad leader. Thereafter, Walter neutralized an enemy machine gun that was impeding the advance of his platoon. His selfless actions earned him a Bronze Star; and

Whereas, On May 29, 1945, Walter sustained injuries from shrapnel to his right side at Okinawa Island, Ryuku Islands, but, after receiving treatment, returned to duty on the same day; and

Whereas, On June 23, 1945, Walter similarly sustained shrapnel injuries to his left knee, but, after receiving treatment, once again returned to duty on the same day; and

Whereas, In August 1945, while serving in Guam, Walter received a Purple Heart; and

Whereas, On October 25, 1945, Walter participated in the ceremony of surrender of the Japanese military forces in the area of Tsingtao, China; and

Whereas, For his bravery and exemplary service, Walter was awarded numerous medals including a Purple Heart, Gold Star, Combat Action Medal, Good Conduct Medal, American Campaign Medal, Asiatic-Pacific Campaign Medal, Bronze Star, World War II Victory Medal, Rifle Marksmanship Badge, Presidential Unit Citation and Combat V Medal; and

Whereas; Walter’s service honors his family, his community and the entire State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the “U. S. Marine Corps CPL Walter Vincent Filipek 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 identifying the bridge as the “U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

Com. Sub. for S. C. R. 19 – “Requesting the Division of Highways name bridge number 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the ‘Blue Demons Bridge’.”

Whereas, The Northfork High School’s sobriquet, going back to 1966, was the Blue Demons; and

Whereas, Sports fans from across this state still talk about the Blue Demons’ boys’ basketball teams that won Class AA state championships in 1971 and 1984, as well as eight consecutive state championships from 1974 through 1981; and

Whereas, When this state inaugurated the first girls’ basketball tournament in 1976, the Demonettes won then as well in 1977 and 1979; and

Whereas, The Blue Demons’ 1973 football team had a perfect season record of 12 and 0; and

Whereas, Over the 19 years in which Northfork High School was in existence, the boys’ basketball team compiled an amazing record of 112 wins to only 12 losses on their home floor; and

Whereas, Although Northfork High School has been closed for more than 30 years, the memories are just as vivid today as when they were being made decades ago for all who attended this legendary school, forever holding a place in the hearts of former students and teachers; and

Whereas, This school will always be remembered by all who saw the Blue Demons play or heard of their exploits, as the source of the nickname for the town that is still known today as the basketball capital of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the “Blue Demons Bridge”; and, be it

Further Resolved, That the Commissioner of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Blue Demons Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules:

S. C. R. 21 – “Requesting the Division of Highways to name bridge number 31-79-142.37, NB & SB (31A159, 31A160), (39.51978, -80.04148), locally known as Whiteday Creek Bridge, carrying

Interstate 79 NB and SB over Whiteday Creek and County Route 73/1 in Monongalia County, the 'U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge'."

Whereas, Daniel Frederick Mehringer was born in Randolph County, West Virginia, on June 23, 1986. He resided in Barbour County, West Virginia, until he was 15 years of age, when he moved to Monongalia County. He graduated from Morgantown High School in 2004; and

Whereas, Daniel Frederick Mehringer enlisted in the Army prior to graduation, as he had always wanted to serve his country in the military. Following graduation, he completed basic training at Ft. Benning, Georgia, and was then assigned to the 82nd Airborne Division at Ft. Bragg, NC. He was very proud to be a paratrooper; and

Whereas, Daniel Frederick Mehringer married his high school sweetheart, Marialies, on June 18, 2006. They resided together on base at Ft. Bragg until he was deployed to Afghanistan, just a short six months later, in January 2007. He continued his college education via the internet and hoped one day to be an engineer. He worked in the Army intelligence section, doing classified work; and

Whereas, Daniel Frederick Mehringer died on April 27, 2007, in Bagram, Afghanistan, in a noncombat incident. He was promoted posthumously to Corporal for his meritorious service. He was a proud American and West Virginian; and

Whereas, Naming this bridge is an appropriate recognition of U. S. Army CPL Daniel Frederick Mehringer; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 31-79-142.37, NB & SB (31A159, 31A160), (39.51978, -80.04148), locally known as Whiteday Creek Bridge, carrying Interstate 79 NB and SB over Whiteday Creek and County Route 73/1 in Monongalia County, the "U. S. Army CPL Daniel Frederick Mehringer 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 identifying the bridge as the "U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 22 – "Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), (39.28632, -80.38919), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the 'Walter E. Swiger, Jr., Memorial Bridge'."

Whereas, Walter E. Swiger, Jr., is a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authorities during their twelfth annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county and established a recycling hotline and was recognized in several issues of The Solid Waste Reporter for his leadership in "one of the top integrated waste management programs in West Virginia"; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities' efforts as Partner in Education with 10 county schools; and

Whereas, It is fitting that a permanent memorial be established to honor the work of Walter E. Swiger, Jr.; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), (39.28632, -80.38919), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the "Walter E. Swiger, Jr., Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Walter E. Swiger, Jr., Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

S. C. R. 28 – "Requesting the Division of Highways to name a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the 'U. S. Army SPC 4 Randall W. Arbogast Memorial Road'."

Whereas, Randall W. Arbogast was born at Valley Head, West Virginia, on February 12, 1945, the eldest son of the late Warren Everett Arbogast and Arizona Ware Arbogast. He was a graduate of Tygarts Valley High School Class of 1964 and was employed by Pioneer Lumber Company until entering the U. S. Army on September 29, 1965, and was one of 4,000 soldiers assigned to the elements of the 196th Light Infantry Brigade. The 196th was the first "light" infantry brigade in U. S. military history. He was the only casualty of the Vietnam War from southern Randolph County communities of Valley Head, Mingo and Monterville, West Virginia. He was also the only graduate of Tygarts Valley High School to lose his life in the Vietnam War; and

Whereas, Randall served with B Company 4th Battalion 31 Infantry from September 29, 1965 thru February 11, 1967. On his 22nd birthday, February 12, 1967, he was transferred to B Company 1st Battalion Mechanized 5th Infantry 25th Infantry Division where he was assigned as an 11C10 Indirect Fire Infantryman M-60 Machine Gunner. On May 3, 1967, his squad was engaged in hostile action with the enemy in Hau Nghia Province. He was hit with a blast from a white phosphorous grenade. Randall suffered sixty-eight percent total body burns with forty-seven percent being third degree burns. He was evacuated from the field and on May 8, 1967, arrived at Brook General Hospital, Fort Sam Houston, Texas, for treatment of his injuries. He died on May 31, 1967, of septicemia due to burns received in combat. He was survived by two brothers, Stanley and Steve Arbogast, and six sisters, Lou Arbogast Burkhardt, Leanne Arbogast, Jean Arbogast Hesson, Janice Arbogast Hadley, Kayleen Arbogast Dunsmoor and Carol Arbogast. SPC 4 Arbogast was awarded the Purple Heart, Bronze Star, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal and the Combat Infantry Badge. His name is listed on the Vietnam Memorial Wall in Washington, D. C.; and

Whereas, The death of this brave American soldier and his sacrifice to his country, state and community should not go unnoticed and the naming of a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line, the "U. S. Army SPC 4 Randall W. Arbogast Memorial Road" in Randolph County would be an appropriate tribute; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the "U. S. Army SPC 4 Randall W. Arbogast Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the "U. S. Army SPC 4 Randall W. Arbogast Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

On motion of Delegate Cowles, the House of Delegates refused to concur in the following Senate amendments and requested the Senate to recede therefrom.

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

"ARTICLE 4. CRASHES.

§17C-4-1. Crashes involving death or personal injuries; Erin's Law.

(a) The driver of any vehicle involved in a crash resulting in the injury to or death of any person shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible and

return to and remain at the scene of the crash until he or she has complied with the requirements of section three of this article: *Provided*, That the driver may leave the scene of the crash as may reasonably be necessary for the purpose of rendering assistance to ~~an injured~~ any person injured in the crash, as required by said section three ~~Every such~~ of this article. ~~stop shall be made without obstructing traffic more than is necessary.~~

~~(b) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in the death of any person is guilty of a felony and, upon conviction, thereof, shall be fined by not more than \$5,000, or imprisoned in a correctional facility for not less than one year nor more than five years, or both fined and confined. Any driver who is involved in a crash in which another person suffers bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person suffered physical injury in said crash, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both fined and confined.~~

~~(c) Notwithstanding the provisions of subsection (b) of this section, any driver who is involved in a crash in which another person suffers serious bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$2,500, or both fined and imprisoned.~~

~~(e) (d) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both. Notwithstanding the provisions of subsection (b) or (c) of this section, any driver who is involved in a crash that proximately causes the death of another person who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned: *Provided*, That any death underlying a prosecution under this subsection must occur within one year of the crash.~~

~~(e) As used in this section:~~

~~(1) 'Bodily injury' means injury that causes substantial physical pain, illness or any impairment of physical condition;~~

~~(2) 'Physical injury' means bodily injury, serious bodily injury or death; and~~

~~(3) 'Serious bodily injury' means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality occurring because of a preterm delivery.~~

~~(d) (f) The commissioner shall revoke the license or permit or operating privilege to drive of any resident or nonresident person convicted pursuant to the provisions of this section for a period of one year from the date of conviction or the date of release from incarceration, whichever is later.~~

~~(e) (g) This section may be known and cited as 'Erin's Law'."~~

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2099 – “A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries generally; defining terms; clarifying when a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying essential elements of the crimes of leaving the scene of a crash that causes bodily injury, serious bodily injury or death; creating a felony crime of leaving the scene of a crash that causes another person serious bodily injury and providing criminal penalties; clarifying knowledge requirement; and clarifying that the offense of leaving the scene of a crash that causes death requires death to occur within one year of the crash.”

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2318, Relating generally to human trafficking.

On motion of Delegate Cowles, the House concurred in the following Senate amendments:

On page one, by striking out everything after the enacting section and inserting in lieu thereof the following:

“CHAPTER 15. PUBLIC SAFETY.

ARTICLE 9A. DIVISION OF JUSTICE AND COMMUNITY SERVICES.

§15-9A-2. Division established; appointment of director.

(a) The Division of Justice and Community Services is created. The purpose of the division is to provide executive and administrative support to the Governor’s Committee on Crime Delinquency and Correction in the coordination of planning for the criminal justice system, to administer federal and state grant programs assigned to it by the actions of the Governor or Legislature and to perform such other duties as the Legislature may from time to time assign to the division. The division is the designated staffing agency for the Governor’s Committee on Crime, Delinquency and Correction, and all of its subcommittees. The division may apply for grants and other funding from federal or state programs, foundations, corporations and organizations which funding is consistent with its responsibilities and the purposes assigned to it or the subcommittees it staffs. The Division of Justice and Community Services is hereby designated as the state administrative agency responsible for criminal justice and juvenile justice systems, and various component agencies of state and local government, for the planning and development of state programs and grants which may be funded by federal, state or other allocations in the areas of community corrections, law-enforcement training and compliance, sexual assault forensic examinations, victim services, human trafficking and juvenile justice.

(b) The director of the division shall be named by the Governor to serve at his will and pleasure.

(c) The director of the division shall take and subscribe to an oath of office in conformity with article IV, section five of the Constitution of the State of West Virginia.

ARTICLE 12. SEX OFFENDER REGISTRATION ACT.**§15-12-2. Registration.**

(a) The provisions of this article apply both retroactively and prospectively.

(b) Any person who has been convicted of an offense or an attempted offense or has been found not guilty by reason of mental illness, mental retardation or addiction of an offense under any of the following provisions of chapter sixty-one of this code or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements shall register as set forth in subsection (d) of this section and according to the internal management rules promulgated by the superintendent under authority of section twenty-five, article two of this chapter:

(1) Article eight-a;

(2) Article eight-b, including the provisions of former section six of said article, relating to the offense of sexual assault of a spouse, which was repealed by an Act of the Legislature during the year 2000 legislative session;

(3) Article eight-c;

(4) Sections five and six, article eight-d;

(5) Section fourteen, article two;

(6) Sections six, seven, twelve and thirteen, article eight; ~~or~~

(7) Section fourteen-b, article three-c, as it relates to violations of those provisions of chapter sixty-one listed in this subsection; or

(8) Sections two, five and six, article fourteen; *Provided*, That as to section two of said article only those violations involving human trafficking for purposes of sexual servitude require registration pursuant to this subdivision.

(c) Any person who has been convicted of a criminal offense and the sentencing judge made a written finding that the offense was sexually motivated shall also register as set forth in this article.

(d) Persons required to register under the provisions of this article shall register in person at the West Virginia State Police detachment responsible for covering the county of his or her residence, and in doing so, provide or cooperate in providing, at a minimum, the following when registering:

(1) The full name of the registrant, including any aliases, nicknames or other names used by the registrant;

(2) The address where the registrant intends to reside or resides at the time of registration, the address of any habitable real property owned or leased by the registrant that he or she regularly visits: *Provided*, That a post office box may not be provided in lieu of a physical residential address, the name and address of the registrant's employer or place of occupation at the time of registration, the names and addresses of any anticipated future employers or places of occupation, the name and address of any school or training facility the registrant is attending at the time of registration and the names and addresses of any schools or training facilities the registrant expects to attend;

- (3) The registrant's Social Security number;
- (4) A full-face photograph of the registrant at the time of registration;
- (5) A brief description of the crime or crimes for which the registrant was convicted;
- (6) Fingerprints and palm prints;

(7) Information related to any motor vehicle, trailer or motor home owned or regularly operated by a registrant, including vehicle make, model, color and license plate number: *Provided*, That for the purposes of this article, the term 'trailer' shall mean travel trailer, fold-down camping trailer and house trailer as those terms are defined in section one, article one, chapter seventeen-a of this code;

(8) Information relating to any Internet accounts the registrant has and the screen names, user names or aliases the registrant uses on the Internet; and

(9) Information related to any telephone or electronic paging device numbers that the registrant has or uses, including, but not limited to, residential, work and mobile telephone numbers.

(e) (1) On the date that any person convicted or found not guilty by reason of mental illness, mental retardation or addiction of any of the crimes listed in subsection (b) of this section, hereinafter referred to as a 'qualifying offense', including those persons who are continuing under some post-conviction supervisory status, are released, granted probation or a suspended sentence, released on parole, probation, home detention, work release, conditional release or any other release from confinement, the Commissioner of Corrections, regional jail administrator, city official or sheriff operating a jail or Secretary of the Department of Health and Human Resources who releases the person and any parole or probation officer who releases the person or supervises the person following the release, shall obtain all information required by subsection (d) of this section prior to the release of the person, inform the person of his or her duty to register and send written notice of the release of the person to the State Police within three business days of receiving the information. The notice must include the information required by said subsection. Any person having a duty to register for a qualifying offense shall register upon conviction, unless that person is confined or incarcerated, in which case he or she shall register within three business days of release, transfer or other change in disposition status. Any person currently registered who is incarcerated for any offense shall re-register within three business days of his or her release.

(2) Notwithstanding any provision of this article to the contrary, a court of this State shall, upon presiding over a criminal matter resulting in conviction or a finding of not guilty by reason of mental illness, mental retardation or addiction of a qualifying offense, cause, within seventy-two hours of entry of the commitment or sentencing order, the transmittal to the sex offender registry for inclusion in the registry all information required for registration by a registrant as well as the following nonidentifying information regarding the victim or victims:

- (A) His or her sex;
- (B) His or her age at the time of the offense; and
- (C) The relationship between the victim and the perpetrator.

The provisions of this paragraph do not relieve a person required to register pursuant to this section from complying with any provision of this article.

(f) For any person determined to be a sexually violent predator, the notice required by subsection (d) of this section must also include:

- (1) Identifying factors, including physical characteristics;
- (2) History of the offense; and
- (3) Documentation of any treatment received for the mental abnormality or personality disorder.

(g) At the time the person is convicted or found not guilty by reason of mental illness, mental retardation or addiction in a court of this state of the crimes set forth in subsection (b) of this section, the person shall sign in open court a statement acknowledging that he or she understands the requirements imposed by this article. The court shall inform the person so convicted of the requirements to register imposed by this article and shall further satisfy itself by interrogation of the defendant or his or her counsel that the defendant has received notice of the provisions of this article and that the defendant understands the provisions. The statement, when signed and witnessed, constitutes prima facie evidence that the person had knowledge of the requirements of this article. Upon completion of the statement, the court shall provide a copy to the registry. Persons who have not signed a statement under the provisions of this subsection and who are subject to the registration requirements of this article must be informed of the requirement by the State Police whenever the State Police obtain information that the person is subject to registration requirements.

(h) The State Police shall maintain a central registry of all persons who register under this article and shall release information only as provided in this article. The information required to be made public by the State Police by subdivision (2), subsection (b), section five of this article is to be accessible through the Internet. No information relating to telephone or electronic paging device numbers a registrant has or uses may be released through the Internet.

(i) For the purpose of this article, 'sexually violent offense' means:

(1) Sexual assault in the first degree as set forth in section three, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction;

(2) Sexual assault in the second degree as set forth in section four, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction;

(3) Sexual assault of a spouse as set forth in the former provisions of section six, article eight-b, chapter sixty-one of this code, which was repealed by an Act of the Legislature during the 2000 legislative session, or of a similar provision in another state, federal or military jurisdiction;

(4) Sexual abuse in the first degree as set forth in section seven, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction.

(j) For purposes of this article, the term 'sexually motivated' means that one of the purposes for which a person committed the crime was for any person's sexual gratification.

(k) For purposes of this article, the term 'sexually violent predator' means a person who has been convicted or found not guilty by reason of mental illness, mental retardation or addiction of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(l) For purposes of this article, the term 'mental abnormality' means a congenital or acquired condition of a person, that affects the emotional or volitional capacity of the person in a manner that

predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(m) For purposes of this article, the term 'predatory act' means an act directed at a stranger or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(n) For the purposes of this article, the term 'business days' means days exclusive of Saturdays, Sundays and legal holidays as defined in section one, article two, chapter two of this code.

CHAPTER 49. CHILD WELFARE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

PART II. DEFINITIONS.

§49-1-201. Definitions related, but not limited, to child abuse and neglect.

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

'Abandonment' means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

'Abused child' means a child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian or custodian in violation of section fourteen-h, article two, chapter sixty-one of this code; ~~or~~

(D) Domestic violence as defined in section two hundred two, article twenty-seven, chapter forty-eight of this code; or

(E) Human trafficking of a child, or attempting to traffic a child, in violation of section two, article fourteen, chapter sixty-one of this code.

'Abusing parent' means a parent, guardian or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

'Battered parent' for the purposes of part six, article four of this chapter, means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by section two hundred two, article twenty-seven,

chapter forty-eight of this code which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

‘Child abuse and neglect services’ means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families or some portion thereof;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion thereof, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

‘Condition requiring emergency medical treatment’ means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage; that condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness and evidence of ingestion of significant amounts of a poisonous substance.

‘Imminent danger to the physical well-being of the child’ means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life, or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling or a babysitter or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian or custodian;

(G) Sale or attempted sale of the child by the parent, guardian or custodian;

(H) The parent, guardian or custodian’s abuse of alcohol or drugs or other controlled substance as defined in section one hundred one, article one, chapter sixty-a of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child’s health or safety; or

(I) Any other condition that threatens the health, life, or safety of any child in the home.

‘Neglected child’ means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child’s parent, guardian or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care or education, when that refusal, failure or inability is not due primarily to a lack of financial means on the part of the parent, guardian or custodian; or

(B) Who is presently without necessary food, clothing, shelter, medical care, education or supervision because of the disappearance or absence of the child’s parent or custodian;

(C) ‘Neglected child’ does not mean a child whose education is conducted within the provisions of section one, article eight, chapter eighteen of this code.

‘Petitioner or co-petitioner’ means the Department or any reputable person who files a child abuse or neglect petition pursuant to section six hundred one, article four, of this chapter.

‘Permanency plan’ means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

‘Respondent’ means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or co-petitioners.

‘Sexual abuse’ means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by section three, article eight-c, chapter sixty-one, which a parent, guardian or custodian engages in, attempts to engage in, or knowingly procures another person to engage in with a child notwithstanding the fact that for a child who is less than sixteen years of age the child may have willingly participated in that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct or, for a child sixteen years of age or older the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct;

(B) Any conduct where a parent, guardian or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; or

(C) Any of the offenses proscribed in sections seven, eight or nine of article eight-b, chapter sixty-one of this code.

‘Sexual assault’ means any of the offenses proscribed in sections three, four or five of article eight-b, chapter sixty-one of this code.

‘Sexual contact’ means sexual contact as that term is defined in section one, article eight-b, chapter sixty-one of this code.

‘Sexual exploitation’ means an act where:

(A) A parent, custodian or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code; or

(B) A parent, guardian or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian or custodian knows that the display is likely to be observed by others who would be affronted or alarmed;

(C) A parent, guardian or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of section five, article fourteen, chapter sixty-one of this code.

'Sexual intercourse' means sexual intercourse as that term is defined in section one, article eight-b, chapter sixty-one of this code.

'Sexual intrusion' means sexual intrusion as that term is defined in section one, article eight-b, chapter sixty-one of this code.

'Serious physical abuse' means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

~~§61-2-17. Human trafficking; criminal penalties.~~

~~(a) As used in this section:~~

~~(1) 'Debt bondage' means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.~~

~~(2) 'Forced labor or services' means labor or services that are performed or provided by another person and are obtained or maintained through a person's:~~

~~(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services that person or another person would suffer serious bodily harm or physical restraint: *Provided, That, this does not include work or services provided by a minor to the minor's parent or legal guardian so long as the legal guardianship or custody of the minor was not obtained for the purpose compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services.*~~

~~(B) Physically restraining or threatening to physically restrain a person;~~

~~(C) Abuse or threatened abuse of the legal process; or~~

~~(D) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.~~

~~'Forced labor or services' does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.~~

~~(3) 'Human trafficking' means the labor trafficking or sex trafficking involving adults or minors where two or more persons are trafficked within any one year period.~~

~~(4) 'Labor trafficking' means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:~~

~~(A) Debt bondage or forced labor or services; or~~

~~(B) Slavery or practices similar to slavery.~~

~~(5) 'Sex trafficking of minors' means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person under the age of eighteen by any means, whether a United States citizen or foreign national, for the purpose of causing the minor to engage in sexual acts, or in sexual conduct violating the provisions of subsection (b), section five, article eight of this chapter or article eight-c of this chapter.~~

~~(6) 'Sex trafficking of adults' means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, receipt of a person eighteen years of age or older, whether a United States citizen or foreign national for the purposes of engaging in violations of subsection (b), section five, article eight of this chapter by means of force, threat, coercion, deception, abuse or threatened abuse of the legal process, or any scheme, plan, pattern, or other action intended to cause a person to believe that, if the person did not engage in a violation of subsection (b), section five, article eight of this chapter, that person or another person would suffer serious bodily harm or physical restraint.~~

~~(b) Any person who knowingly and wilfully engages in human trafficking is guilty of a felony and upon conviction shall be incarcerated in a state correctional facility for an indeterminate sentence of not less than three nor more than fifteen years or fined not more than \$200,000, or both.~~

~~(c) Any person who is a victim of human trafficking may bring a civil action in circuit court. The court may award actual damages, compensatory damages, punitive damages, injunctive relief and any other appropriate relief. A prevailing plaintiff is also entitled to attorneys fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious.~~

~~(d) Notwithstanding the definition of victim in subsection (k), section three, article two-a, chapter fourteen of this code, a person who is a victim of human trafficking is a victim for all purposes of article two-a, chapter fourteen of this code.~~

~~(e) This article and the rights and remedies provided in this article are cumulative and in addition to other existing rights.~~

~~(f) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, any person convicted of prostitution in violation of subsection (b), section five, article eight of this chapter where the conviction was a result of the person being a victim of human~~

~~trafficking as defined in this section, may petition the circuit court of the county of conviction for an order of expungement pursuant to section twenty-six, article eleven of this chapter.~~

~~No victim of human trafficking seeking relief under this subsection shall be required to prove her or she has rehabilitated himself or herself in order to obtain expungement.~~

ARTICLE 14. HUMAN TRAFFICKING.

§61-14-1. Definitions.

When used in this article, the following words and terms shall have meaning specified unless the context clearly indicates a different meaning:

(1) 'Adult' means an individual eighteen years of age or older.

(2) 'Coercion' means:

(A) The use or threat of force against, abduction of, serious harm to or physical restraint of an individual;

(B) The use of a plan, pattern or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, physical restraint of or deportation of an individual;

(C) The abuse or threatened abuse of law or legal process;

(D) The destruction or taking of, or the threatened destruction or taking of, an individual's identification document or other property; or

(E) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function.

As used in this article, 'coercion' does not include statements or actions made by a duly authorized state or federal law-enforcement officer as part of a lawful law enforcement investigation or undercover action.

(3) 'Commercial sexual activity' means sexual activity for which anything of value is given to, promised to or received by a person.

(4) 'Debt bondage' means inducing an individual to provide:

(A) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or

(B) Labor or services in payment toward or satisfaction of a real or purported debt if:

(i) The reasonable value of the labor or services is not applied toward the liquidation of the debt;
or

(ii) The length of the labor or services is not limited, and the nature of the labor or services is not defined.

(5) 'Forced labor' means labor or services that are performed or provided by another person and are obtained or maintained through the following:

(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer serious bodily harm, physical restraint or deportation;

(B) Physically restraining or threatening to physically restrain a person;

(C) Abuse or threatened abuse of the legal process; or

(D) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person: *Provided*, That 'forced labor' does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

As applied in this article, forced labor shall not include labor, work or services provided by a minor to the minor's parent, legal custodian or legal guardian, so long as the legal guardianship or custody of the minor was not obtained for the purpose of compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services; nor shall it include physical restraint of a minor, or the threat of physical restraint to a minor, by his or her parents, legal custodian or legal guardian if conducted in an otherwise lawful manner and for the purpose of discipline, supervision or teaching.

(6) 'Human trafficking', 'trafficking', or 'traffics' means knowingly recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining or enticing an individual to engage in debt bondage, forced labor or sexual servitude.

(7) 'Identification document' means a passport, driver's license, immigration document, travel document or other government-issued identification document, including a document issued by a foreign government.

(8) 'Labor or services' means activity having economic value.

(9) 'Minor' means an individual less than eighteen years of age.

(10) 'Patronize' means giving, agreeing to give or offering to give anything of value to another person in exchange for commercial sexual activity.

(11) 'Person' means an individual, estate, business or nonprofit entity, or other legal entity. The term does not include a public corporation or government or governmental subdivision, agency or instrumentality.

(12) 'Serious harm' means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual which would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

(13) 'Sexual activity' means sexual contact, sexual intercourse or sexual intrusion, as defined in section one, article eight-b of this chapter, or sexually explicit conduct, as defined in section one, article eight-c of this chapter.

(14) 'Sexual servitude' means:

(A) Maintaining or making available a minor for the purpose of engaging the minor in commercial sexual activity; or

(B) Using coercion to compel an adult to engage in commercial sexual activity.

(15) 'Victim' means an individual who is subjected to human trafficking, regardless of whether a perpetrator is prosecuted or convicted.

§61-14-2. Human trafficking of an individual; penalties.

(a) Any person who knowingly and willfully traffics an adult is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$200,000, or both imprisoned and fined.

(b) Any person who knowingly and willfully traffics a minor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than five nor more than twenty years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-3. Use of forced labor; penalties.

(a) Any person who knowingly uses an adult in forced labor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Any person who knowingly uses a minor in forced labor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-4. Use of persons in debt bondage; penalties.

(a) Any person who knowingly uses an adult in debt bondage is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Any person who knowingly uses a minor in debt bondage is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-5. Sexual servitude; penalties.

(a) Any person who knowingly uses coercion to compel an adult to engage in commercial sexual activity is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$200,000, or both imprisoned and fined.

(b) Any person who knowingly maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ten nor more than twenty years, fined not more than \$300,000, or both imprisoned and fined.

(c) It is not a defense in a prosecution under subsection (b) of this section that the minor consented to engage in commercial sexual activity, or that the defendant believed the minor was an adult.

§61-14-6. Patronizing a victim of sexual servitude; penalties.

(a) Any person who knowingly patronizes another in commercial sexual activity and who knows that such person patronized is a victim of sexual servitude, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who knowingly patronizes a minor to engage in commercial sexual activity and who knows or has reason to know that said minor is a victim of sexual servitude, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-7. General provisions and other penalties.

(a) Separate violations. — For purposes of this article, each adult or minor victim constitutes a separate offense.

(b) Aggravating circumstance. —

(1) Notwithstanding any provision of this code to the contrary, if an individual is convicted of an offense under this article and the trier of fact makes a finding that the offense involved an aggravating circumstance, the individual shall not be eligible for parole before serving three years in a state correctional facility.

(2) For purposes of this subsection, 'aggravating circumstance' means the individual recruited, enticed or obtained the victim of the offense from a shelter or facility that serves runaway youths, children in foster care, the homeless or victims of human trafficking, domestic violence or sexual assault.

(c) Restitution. —

(1) The court shall order a person convicted of an offense under this article to pay restitution to the victim of the offense.

(2) A judgment order for restitution may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action in accordance with section four, article eleven-a of this chapter, including filing a lien against the person, firm or corporation against whom restitution is ordered.

(3) The court shall order restitution under subdivision (1) of this subsection even if the victim is unavailable to accept payment of restitution.

(4) If the victim does not claim restitution ordered under subdivision (1) of this subsection within five years of the entry of the order, the restitution shall be paid to the Crime Victims Compensation Fund created under section four, article two-a, chapter fourteen of this code.

(d) Eligibility for Compensation Fund. — Notwithstanding the definition of victim in section three, article two-a, chapter fourteen of this code, a victim of any offense under this article is a victim for all purposes of article two-a, chapter fourteen of this code: *Provided*, That for purposes of subsection (b), section fourteen, article two-a, chapter fourteen of this code, if otherwise qualified, a victim of any offense under this article may not be denied eligibility solely for the failure to report to law enforcement within the designated time frame.

(e) Law Enforcement Notification. — Should a law-enforcement officer encounter a child who reasonably appears to be a victim of an offense under this article, the officer shall notify the Department of Health and Human Resources. If available, the Department of Health and Human Resources may notify the Domestic Violence Program serving the area where the child is found.

(f) Forfeiture; Debarment. —

(a) The following are declared to be contraband and no person shall have a property interest in them:

(1) All property which is directly or indirectly used or intended for use in any manner to facilitate a violation of this article; and

(2) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this article.

(b) In any action under this section, the court may enter such restraining orders or take other appropriate action, including acceptance of performance bonds, in connection with any interest that is subject to forfeiture.

(c) Forfeiture actions under this section shall use the procedure set forth in article seven, chapter sixty-a of this code.

(d) Any person or business entity convicted of a violation of this article shall be debarred from state or local government contracts.

§61-14-8. Immunity for minor victim of sex trafficking.

(a) In a prosecution or a juvenile prosecution for an offense of prostitution in violation of subsection (b), section five, article eight of this chapter, a minor shall not be held criminally liable if the Court determines that the minor is a victim of an offense under this article: *Provided*, That subject to proof, a minor so charged shall be rebuttably presumed to be a victim under the provisions of this article.

(b) This section does not apply in a prosecution or a juvenile proceeding for any of the other offenses under subsection (b), section five, article eight of this chapter, including specifically soliciting, inducing, enticing or procuring another to commit an act or offense of prostitution, unless it is determined by the court that the minor was coerced into the criminal behavior.

(c) A minor who, under subsection (a) or (b) of this section, is not subject to criminal liability or adjudication as a juvenile delinquent is presumed to be an abused child, as defined in section two-hundred-one, article one, chapter forty-nine of this code, and may be eligible for services under chapter forty-nine of this code including, but not limited to, appropriate child welfare services.

§61-14-9. Petition to vacate and expunge conviction of sex trafficking victim.

(a) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, an individual convicted of prostitution in violation of subsection (b), section five, article eight of this chapter as a direct result of being a victim of trafficking, may apply by petition to the circuit court in the county of conviction to vacate the conviction and expunge the record of conviction. The court may grant the petition upon a finding that the individual's participation in the offense was a direct result of being a victim of trafficking.

(b) A victim of trafficking seeking relief under this section is not required to complete any type of rehabilitation in order to obtain expungement.

(c) A petition filed under subsection (a) of this section, any hearing conducted on the petition, and any relief granted are subject to the procedural requirements of section twenty-six, article eleven of this chapter: *Provided*, That the age or criminal history limitations in that section are inapplicable to victims of human trafficking.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.

§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred to in section seven of this article and such judge, in accordance with the provisions of this article, may grant an order authorizing the interception of wire, oral or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (i) Kidnapping or abduction as defined and prohibited by the provisions of sections fourteen and fourteen-a, article two, chapter sixty-one of this code and including threats to kidnap or demand ransom as defined and prohibited by the provisions of section fourteen-c of said article two ~~or~~; (ii) of any offense included and prohibited by section eleven, article four, chapter twenty-five of said code, sections eight, nine and ten, article five, chapter sixty-one of said code or section one, article eight, chapter sixty-two of said code to the extent that any of said sections provide for offenses punishable as a felony ~~or~~; (iii) dealing, transferring or trafficking in any controlled substance or substances in the felonious violation of chapter sixty-a of this code; ~~or~~ (iv) any offense included and prohibited by article fourteen, chapter sixty-one of this code; ~~or~~ (v) any aider or abettor to any of the foregoing offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor or conspirator is a party to the communication to be intercepted.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2318 – “A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; adding offenses that require registration under the Sex Offender Registration Act; defining terms; creating criminal felony offenses and penalties for human trafficking of an individual; creating criminal felony offenses and penalties for using victim of human trafficking in forced labor; creating criminal felony offenses and penalties for using victim of human trafficking in debt bondage; creating criminal felony offenses and penalties for compelling a victim of human trafficking through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor victim of human trafficking for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offenses; creating a criminal felony

offense of unknowingly patronizing an individual victim of human trafficking to engage in commercial sexual activity; creating offense of patronizing a minor victim of human trafficking; creating criminal penalties; clarifying that each victim constitutes a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for forfeiture of profits from human trafficking and debarment from state and local government contracts for persons or entities convicted of human trafficking offenses; making certain victims of human trafficking eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim of an offense under this article; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations of human trafficking offenses."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 95**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2318) passed.

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

Com. Sub. for H. B. 2318 – "A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; adding offenses that require registration under the Sex Offender Registration Act; adding human trafficking within the definition of an abused child; adding under the definition of sexual exploitation an act where a parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity; defining terms; creating criminal felony offenses and penalties for human trafficking of an individual; creating criminal felony offenses and penalties for using victim of human trafficking in forced labor; creating criminal felony offenses and penalties for using victim of human trafficking in debt bondage; creating criminal felony offenses and penalties for compelling a victim of human trafficking through coercion to engage in commercial sexual activity; creating a criminal felony offense and penalty for maintaining or making available a minor victim of human trafficking for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offenses; creating a criminal felony offense and penalty for knowingly patronizing an individual to engage in commercial sexual activity with knowledge that the individual is a victim of sexual servitude; creating a criminal felony offense and penalty for knowingly patronizing a minor to engage in commercial sexual activity with knowledge or having reason to know that the minor is a victim of sexual servitude; clarifying that each victim constitutes a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be

paid to the Crime Victims Compensation Fund; making victims of certain offenses eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim; providing for forfeiture of certain property; providing for debarment from state and local government contracts for persons or entities convicted of certain offenses; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations."

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

Petitions

Delegates Longstreth, Caputo and Ward presented a petition signed by residents of Marion County in support of keeping the John Manchin Sr. Health Center open to continue their service to the elderly and less fortunate members of their community; which was referred to the Committee on Health and Human Resources.

Special Calendar

Unfinished Business

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

H. C. R. 15, Requesting Congress to fully support the National Park Service's recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition's Eastern Legacy,

H. C. R. 24, SGT. Eugene E. Arbogast Memorial Bridge,

H. C. R. 59, USMC LCpl Timothy J. Dunnigan Memorial Intersection,

H. C. R. 82, U.S. Marine Sergeant David Paul McCord Memorial Bridge,

And,

H. C. R. 83, U.S. Army SPC John R. Tennant Memorial Bridge.

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

Third Reading

Com. Sub. for S. B. 301, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch 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. 96**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 301) passed.

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

On this question, the yeas and nays were taken (**Roll No. 97**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 301) takes effect from its passage.

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

S. B. 330, Relating to WV Workplace Freedom 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. 98**), and there were—yeas 52, nays 48, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, A. Evans, E. Evans, Ferro, Fleischauer, Fluharty, Folk, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Lewis, Longstreth, Love, Lovejoy, Lynch, Marcum, Maynard, McGeehan, Miley, R. Miller, Moye, Paynter, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, R. Romine, Rowe, Sponaule, Storch, Thompson, Ward and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 330) passed.

An amendment to the title, offered by Delegate Shott, was reported by the Clerk:

S. B. 330 – “A Bill to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Workplace Freedom Act; eliminating the term “state” from the definitions section; eliminating a provision regarding construction of the act as it relates to the building and construction industry; and clarifying dates of applicability.”

Delegate Caputo moved to amend the title amendment by striking out the title and substituting therefor a new title, to read as follows:

S. B. 330 – “A Bill to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to the right of workers to freeloader off of unions; eliminating the term “state” from the definitions section; eliminating a provision regarding construction of the act as it relates to the building and construction industry; and modifying dates of applicability.”

Delegate Caputo was explaining the amendment to the House when Delegate Cowles arose to a point of order.

The Speaker reminded the Delegate that the amendment was not debatable and that he must explain the amendment.

Delegate Caputo resumed his explanation when Delegate Cowles arose to a point of order and the Speaker reminded the Delegate to explain the amendment.

The question being on adoption of the amendment to the title amendment, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 99**), and there were—yeas 39, nays 61, absent and not voting none, with the yeas being as follows:

Yeas: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Deem, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

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

The title amendment offered by Delegate Shott was then adopted.

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

Com. Sub. for H. B. 2373, Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 100**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2373) passed.

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

Com. Sub. for H. B. 2373 - "A Bill to amend and reenact §18-5-22c of the Code of West Virginia, 1931, as amended, all relating to the administration of epinephrine auto-injectors by a school nurse, a nonmedical personnel, or a school transportation personnel to a student or school personnel; authorizing school transportation personnel trained in administration of epinephrine auto-injectors and designated and authorized by the school or county board to administer auto-injectors to a student or school personnel experiencing an anaphylactic reaction and excluding such school transportation personnel from chapter eighteen, article five, section twenty-two; adding the county board as an entity that can authorize and designate nonmedical school personnel to administer the epinephrine auto-injector; establishing that school transportation personnel are immune from liability for administration of an epinephrine auto-injector except in cases of gross negligence or willful misconduct; and requiring the State Board of Education to promulgate rules necessary to effectuate the provisions of this section."

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

H. B. 2427, Requiring agencies listed in the online state phone directory to update certain employee information; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 101**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2427) 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. 2446, Relating to the requirement that all executive branch agencies maintain a website that contains specific information; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 102**), and there were—yeas 69, nays 31, absent and not voting none, with the nays being as follows:

Nays: Baldwin, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Marcum, Miley, R. Miller, Moye, Pethtel, Robinson, Rodighiero, Sponaugle, Thompson and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2446) 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. 2522, Nurse licensure compact; on third reading, coming up in regular order, was read a third time.

Delegates Summers, Fast, Moye, E. Evans, Westfall, Rodighiero, Zatezalo and Love requested to be excused from voting on the passage of H.B. 2522 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. 103**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2522) passed.

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

H. B. 2522 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-7F-1, §30-7F-2, §30-7F-3, §30-7F-4, §30-7F-5, §30-7F-6, §30-7F-7, §30-7F-8, §30-7F-9, §30-7F-10 and §30-7F-11, all relating to the establishment and operation of an interstate compact for licensure of nurses; setting forth findings; setting forth the purposes for the compact; defining terms; providing eligibility requirements; requiring a nurse to designate a state of principal license; providing licensure requirements; establishing a licensure process; providing for fees; providing requirements for renewal of a license; providing for joint investigation of nurses by member boards; establishing the effect of disciplinary actions; creating the commission to administer the compact; setting forth commission composition; establishing the authority of the commission; providing immunity; establishing commission rule making authority; providing for judicial review; providing for state enforcement; providing the commission may intervene in proceedings; providing for legal enforcement of compact rules and provisions; providing for termination or withdrawal of a

member state; setting forth provisions for resolution of disputes; establishing provisions for state eligibility; setting forth the circumstances under which the compact will become effective; providing for amending the compact; setting forth procedures for states to withdraw from the Compact; providing process to amend the Compact; and establishing provisions related to severability.”

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. 2601, Relating to municipal policemen’s or municipal firemen’s pension and relief funds; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 104**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Hornbuckle, Lovejoy, Rohrbach and Sobonya.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2601) passed.

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

Com. Sub. for H. B. 2603, Relating to municipal policemen’s or firemen’s pension and relief funds that are funded at one hundred and twenty-five percent or more; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 105**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2603) passed.

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. 2631, Relating to time standards for disposition of complaint proceedings; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 106**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2631) passed.

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

Com. Sub. for H. B. 2631 – “A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to providing notice of status report to the party filing the complaint and the Respondent by certified mail with a signed return receipt; requiring that in the event a board is unable to issue a final ruling within the statutory prescribed time, the board must issue a status report detailing the reasons it is unable to meet the prescribed time period and a new date for issuance of a final ruling; and prohibiting the new date for the issuance of a final ruling to be in excess of six (6) months from the date the final ruling was due.”

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. 2649, Adding violations of law upon which a public servant's retirement plan may be forfeited; 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. 107**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2649) 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. 2683, Relating to West Virginia Insurance Guaranty Association 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. 108**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2683) 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. 2792, Requiring the Library Commission to survey the libraries 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. 109**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2792) 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. 2796, Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 110**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2796) passed.

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

H. B. 2796 – “A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Military Authority entering into contracts and subcontracts on behalf of the West Virginia National Guard for specialized technical services at a rate commensurate with industry standards as determined by the Adjutant General.”

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

Second Reading

Com. Sub. for H. B. 2546, Allowing replacement costs of employer provided property to be deducted from an employee’s final paycheck if the property is not returned; 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. 2555, Relating to tax credits for apprenticeship training in construction trades; 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. 2586, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2676, Transferring the Security office under the Division of Culture and History to the Division of Protective Services; 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. 2694, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas; 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. 2739, Relating to supplemental Medicaid provider reimbursement; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund; 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. 2811, Relating to the definition of above ground storage tanks; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2833, Specifying the contents and categories of information for inclusion in annual reports; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 2839, Updating the procedures for legislative review of departments and licensing boards; 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. 2852, Relating to the preparation of a comprehensive annual financial report; 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. 2868, Relating generally to Uniform Unclaimed Property Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2898, Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature,

And,

Com. Sub. for H. B. 2916, Authorizing certain first responders to carry firearms.

Miscellaneous Business

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

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

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

Delegate Caputo asked and obtained unanimous consent that the remarks of Delegate Brewer regarding S. B. 330 be printed in the Appendix to the Journal.

Delegates Butler, Espinosa, A. Evans, Frich, Hartman, Lewis, C. Miller and Walters filed forms with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2451.

Delegates laquinta, R. Miller, Rohrbach and Sobonya filed forms with the Clerk's Office per House Rule 94b to be added as cosponsors of H. B. 2483.

Delegate Pushkin filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3034.

Delegate Summers filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3093.

Delegate Rowan filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2384.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 3044.

Delegate Espinosa filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. J. R. 24.

At 1:28 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 17, 2017.

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

SPECIAL CALENDAR

Friday, March 17, 2017

38th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2546 - Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2555 - Relating to tax credits for apprenticeship training in construction trades (NELSON) (REGULAR)
- Com. Sub. for H. B. 2586 - Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board (WALTERS) (REGULAR)
- Com. Sub. for H. B. 2676 - Transferring the Security office under the Division of Culture and History to the Division of Protective Services (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2694 - Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas (NELSON) (REGULAR)
- Com. Sub. for H. B. 2739 - Relating to supplemental Medicaid provider reimbursement (NELSON) (REGULAR)
- H. B. 2766 - Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund (NELSON) (REGULAR)
- Com. Sub. for H. B. 2811 - Relating to the definition of above ground storage tanks (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2839 - Updating the procedures for legislative review of departments and licensing boards (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2852 - Relating to the preparation of a comprehensive annual financial report (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2868 - Relating generally to Uniform Unclaimed Property Act (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 302 - Supplemental appropriation of federal funds from Treasury to Division of Human Services (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2833 - Specifying the contents and categories of information for inclusion in annual reports (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2898 - Authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2916 - Authorizing certain first responders to carry firearms (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2402 - Relating to abandoned antique vehicles (NELSON) (REGULAR)
- Com. Sub. for H. B. 2471 - Relating to insurance coverage for breast cancer screening (NELSON) (REGULAR)
- Com. Sub. for H. B. 2637 - Relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage (NELSON) (REGULAR)
- Com. Sub. for H. B. 2702 - Relating to excused absences for personal illness from school (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2738 - Providing flexibility in the transfer process of school personnel (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2767 - Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2797 - Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records (SHOTT) (REGULAR)
- H. B. 2798 - Clarifying provisions relating to candidates unaffiliated with a political party (SHOTT) (REGULAR)

Com. Sub. for H. B. 2828 - Changing the number of strikes in jury selection in felony cases
(SHOTT) (REGULAR)

Com. Sub. for H. B. 3030 - Relating to appeals as a matter of right in the West Virginia
Supreme Court of Appeals (SHOTT) (REGULAR)

HOUSE CALENDAR

Friday, March 17, 2017

38th Day

11:00 A. M.

SECOND READING

Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL)
(REGULAR)

FIRST READING

H. B. 2500 - Supplementary appropriation to the Department of Health and
Human Resources, Division of Human Services (NELSON)
(EFFECTIVE FROM PASSAGE)

H. B. 2501 - Supplementary appropriation to the Department of Education,
State Board of Education – School Lunch Program (NELSON)
(EFFECTIVE FROM PASSAGE)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 17, 2017

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON THE JUDICIARY – PUBLIC HEARING

8:30 A.M. – HOUSE CHAMBER

H. B. 3093, ESTABLISHING BROADBAND ENHANCEMENT AND EXPANSION POLICIES.

COMMITTEE ON THE JUDICIARY

IMMEDIATELY FOLLOWING PUBLIC HEARING – ROOM 418M

COMMITTEE ON POLITICAL SUBDIVISIONS

8:30 A.M. – ROOM 434M

COMMITTEE ON GOVERNMENT ORGANIZATION

9:00 A.M. – ROOM 215E

COMMITTEE ON EDUCATION

9:30 A.M. – ROOM 434M

COMMITTEE ON FINANCE

9:30 A.M. & 2:00 P.M. – ROOM 460M

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

COMMITTEE ON ROADS & TRANSPORTATION

1:00 P.M. – ROOM 215E

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