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THIRTY-SIXTH DAY

Wednesday, March 15, 2017

THIRTY-SIXTH 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 Tuesday, March 14, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Rules has had under consideration:

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,

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

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. 2916, Authorizing certain first responders to carry firearms,

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

Com. Sub. for H. B. 2916 – "A Bill to amend and reenact §6-1-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by

adding thereto a new section, designated §16-4C-24, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; and allowing reimbursement for the cost of the training,”

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

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

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

With the recommendation that the committee substitute do pass.

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

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

H. B. 2821, West Virginia Farm-to-Food Bank Tax Credit,

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. 2821) was referred to the Committee on Finance.

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

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

Com. Sub. for S. B. 410, Relating to marking traps with DNR identification tag,

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

In accordance with the former direction of the Speaker, the bill (S. B. 410) was referred to the Committee on the Judiciary.

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

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

H. B. 2949, Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements,

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. 2949) was referred to the Committee on Government Organization.

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

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

H. B. 2679, Relating to the possession of firearms in parks and park facilities,

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. 2679) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. C. R. 8, Dr. Roy and Marian Eshenaur Bridge,

H. C. R. 10, John Cameron Brown Bridge,

H. C. R. 35, Arnold Miller Memorial Bridge,

H. C. R. 46, Blue Demon Bridge,

And,

H. C. R. 58, William C. Campbell Memorial Highway,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 8, H. C. R. 10, H. C. R. 35, H. C. R. 46 and H. C. R. 58) were each referred to the Committee on Rules.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2831, Relating to the reconstitution of the Driver's Licensing Advisory Board,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2831) was referred to the Committee on Government Organization.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

H. B. 2514, Creating a special motor vehicle collector license plate,

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. 2514) was referred to the Committee on Finance.

Delegate Gearheart, Chair of the Committee on Roads and Transportation, submitted the following report, which was received:

Your Committee on Roads and Transportation has had under consideration:

S. B. 164, Relating to traffic regulations and special load limits,

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

In accordance with the former direction of the Speaker, the bill (S. B. 164) was referred to the Committee on the Judiciary.

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

By Delegates Ellington, Summers and Householder:

H. B. 3102 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-26, relating to Hopemont Hospital by the Secretary of the Department of Health and Human Resources; exempting certain laws; and providing statutory construction."

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

S. B. 198, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas,

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

In accordance with the former direction of the Speaker, the bill (S. B. 198) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting,

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 (Com. Sub. for S. B. 4) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2434, Relating to reevaluation of land damaged as a result of natural disaster,

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. 2434) was referred to the Committee on Finance.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2515, West Virginia Monument and Memorial Protection Act of 2017,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2515) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2654, Expanding county commissions' ability to dispose of county or district 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2654) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2209, Limiting the authority of municipalities to regulate the purchasing, possessing, transferring, owning, carrying, transporting, selling and storing of knives,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2209) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

H. B. 2754, Relating to fire fees on nonresidents of a municipality,

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. 2754) was referred to the Committee on Finance.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2897, Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2897) was referred to the Committee on Government Organization.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2857, West Virginia Safer Workplaces Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2857) was referred to the Committee on the Judiciary.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2776, Creating of special revenue funding sources for the Division of Labor,

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. 2776) was referred to the Committee on Finance.

Delegate Cowles asked and obtained unanimous consent to return to further consideration of H. B. 3102.

The Speaker referred the bill (H. B. 3102) to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2542, Relating to public higher education personnel.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

H. B. 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

A message from the Senate, by

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

S. B. 25 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7, all relating to creation of farm-to-food bank tax credit; defining terms; providing method for calculation of value of tax credit; limiting tax credit; providing for certification by Department of Agriculture; allowing carryover of unused tax credits for four years; providing for rulemaking; and establishing effective date of tax credit"; which was referred to the Committee on Agriculture and Natural Resources then Finance.

A message from the Senate, by

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

S. B. 256 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to prohibiting aiding and abetting of sexual abuse by school personnel; prohibiting individuals from assisting school employees, contractors or agents in obtaining a new job if the individual knows, or has probable cause to believe, that the person engaged in sexual misconduct with a minor or student; providing exceptions to this requirement; and clarifying the relationship between this prohibition and other statutes, regulations or policies"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 326 - "A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Defense family advocacy groups to be notified about any abuse or neglect of a child of a military person"; which was referred to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

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

S. B. 364 - "A Bill to amend and reenact §11-15B-2a and §11-15B-32 of the Code of West Virginia, 1931, as amended, all relating to incorporating changes to the Streamlined Sales and Use Tax Agreement; and providing new effective dates"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 440 - "A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to mandating that investment of certain Regional Jail and Correctional Facility Authority special funds be with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board; and eliminating obsolete language"; 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. 455 - "A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating generally to commitment of persons to the custody of the Commissioner of Corrections; updating the commitment order form sentencing courts are required to complete when committing a person to the custody of the Commissioner of Corrections; requiring that the commitment order contain certain information; and clarifying that the circuit clerk of the court is required to transmit certified copies of the commitment order to the Commissioner of the Division of Corrections and the West Virginia Regional Jail Authority upon entry"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

H. B. 2431, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate title amendment:

H. B. 2431 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to offering influenza immunizations to patients upon discharge from licensed hospitals; providing that the immunizations are voluntary; and providing for exceptions based upon availability and in cases where immunizations are contraindicated.”

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. 89**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Folk, Marcum, Paynter and Sobonya.

Absent and Not Voting: Ferro and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2431) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2301, Relating to direct primary care.

On motion of Delegate Cowles, the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for H. B. 2301 – “A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; permitting individuals to enter into agreements, for direct primary care with an individual or other legal entity authorized to provide primary care services, outside of an insurance plan or outside of the Medicaid or Medicare program and pay for the care outside of insurance plans and the Medicaid or Medicare program; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; prohibiting direct primary care providers from billing third-party payers for services or products under the direct primary care membership agreement; providing that a direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third-party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority by the West Virginia Board of Medicine, the West Virginia

Board of Osteopathic Medicine, the West Virginia Board of Dentistry, the West Virginia Board of Chiropractic and the West Virginia Board of Examiners for Registered Professional Nurses to effectuate the provisions of this new article; and authorizing civil penalties in the form of sanctions by the respective boards for violations that constitute unprofessional conduct.”

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. 90**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ferro and Upson.

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. 2301) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2167, Creating a Silver Alert program for senior citizens.

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

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

“That §15-3B-2, §15-3B-3, §15-3B-4, §15-3B-5 and §15-3B-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3B. SILVER ALERT PLAN.

§15-3B-2. Findings and declarations relative to ‘Silver Alert Plan’.

(a) The Legislature finds that:

(1) Public alerts can be one of the most effective tools in locating missing cognitively impaired persons or senior citizens;

(2) Law-enforcement officers and other professionals specializing in the field of missing persons agree that the most critical moments in the search for a missing ~~cognitively impaired~~ person are the first few hours immediately following the discovery that the individual is missing, asserting that if he or she is not found within twenty-four hours, it is unlikely that he or she will be found alive or without serious injury. The rapid dissemination of information, including a description of the missing cognitively impaired person or senior citizen, details of how he or she became missing, and of any vehicle involved, to the citizens of the affected community and region is, therefore, critical;

(3) Alerted to the situation, the citizenry become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering ~~the a~~ missing cognitively impaired person or senior citizen;

(4) The most effective method of immediately notifying the public of a missing cognitively impaired person or senior citizen is through the broadcast media; and

(5) All forms of developing technologies are required to assist law enforcement in rapidly responding to these alerts and are an additional tool for assuring the well being and safety of our cognitively impaired citizenry. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in the safe recovery of the cognitively impaired person or senior citizen.

(b) The Legislature declares that given the successes other states and regions have experienced in using broadcast media alerts to quickly locate and safely recover missing ~~cognitively impaired~~ persons, and, with the recent development of highway video recording and monitoring systems, it is altogether fitting and proper, and within the public interest, to establish these programs for West Virginia.

§15-3B-3. Establishment of 'Silver Alert' program.

(a) The Secretary of the Department of Military Affairs and Public Safety shall establish a 'Silver Alert' , a program authorizing the broadcast media, upon notice from the State Police, to broadcast an alert to inform the public of a missing cognitively impaired person or a missing senior citizen, subject to the criteria established in section four of this article. The program shall be a voluntary, cooperative effort between state law-enforcement and the broadcast media.

(b) ~~For the purposes of~~ As used in this article, ~~the term:~~

(1) 'Cognitively impaired' means a person having a deficiency in his or her short-term or long-term memory, orientation as to person, place, and time, deductive or abstract reasoning, or judgment as it relates to safety: *Provided*, That the cognitive impairment is not caused by the use of alcohol or drugs not legally prescribed by a physician; and

(2) 'Senior citizen' means a person over sixty-five years of age.

(c) The secretary shall notify the broadcast media serving the State of West Virginia of the establishment of 'Silver Alert' program and invite their voluntary participation.

(d) The secretary shall submit a plan to the Joint Committee on Government and Finance no later than December 1, 2009. The plan shall include 'Silver Alert' activation protocols, evaluation of first responder training requirements and needs as related to cognitively impaired persons and senior citizens, coordination and utilization of established programs and analysis of any costs. The secretary shall also make recommendations for any additional legislation or actions necessary to further facilitate the implementation of the 'Silver Alert' program.

§15-3B-4. Activation of Silver Alert.

The following criteria shall be met before the State Police activate the Silver Alert:

(1) A The person is believed to be cognitively impaired or is a senior citizen;

(2) The person is believed to be missing, regardless of circumstance;

(3) A person who has knowledge that the ~~cognitively impaired~~ person is missing has submitted a missing person's report to the State Police or other appropriate law-enforcement agency;

(4) The missing person may be in danger of death or serious bodily injury;

(5) The missing person is domiciled or believed to be located in the State of West Virginia;

(6) The missing person is, or is believed to be, at a location that cannot be determined by an individual familiar with the missing person, and the missing person is incapable of returning to the missing person's residence without assistance; and

(7) There is sufficient information available to indicate that a Silver Alert would assist in locating the missing person.

§15-3B-5. Notice to participating media; broadcast of alert.

(a) To participate, the media may agree, upon notice from the State Police via email or facsimile, to transmit information to the public about a missing cognitively impaired person or senior citizen that has occurred within their broadcast service region.

(b) The alerts shall include a description of the missing cognitively impaired person or senior citizen, such details of the circumstance surrounding him or her becoming missing, as may be known, and such other information as the State Police may deem pertinent and appropriate. The State Police shall in a timely manner update the broadcast media with new information when appropriate concerning the missing cognitively impaired person or senior citizen.

(c) The alerts also shall provide information concerning how those members of the public who have information relating to the missing cognitively impaired person or senior citizen may contact the State Police or other appropriate law-enforcement agency.

(d) Concurrent with the notice provided to the broadcast media, the State Police shall also notify the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the 'Silver Alert' so that the department and the affected authorities may, if possible, through the use of their variable message signs, inform the motoring public that a 'Silver Alert' is in progress and may provide information relating to the missing cognitively impaired person or senior citizen and how motorists may report any information they have to the State Police or other appropriate law-enforcement agency.

(e) The alerts shall terminate upon notice from the State Police.

(f) The secretary shall develop and undertake a campaign to inform law-enforcement agencies about the 'Silver Alert' program established under this article.

§15-3B-6. Aid to missing cognitively impaired adult or senior citizen; immunity from civil or criminal liability.

No person or entity who in good faith follows and abides by the provisions of this article is liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof unless it is alleged and proven that the information disclosed was false and disclosed with the knowledge that the information was false."

And,

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

Com. Sub. for H. B. 2167 – “A Bill to amend and reenact §15-3B-2, §15-3B-3, §15-3B-4, §15-3B-5 and §15-3B-6 of the Code of West Virginia, 1931, as amended, all relating to the Silver Alert Plan; providing for the Silver Alert program to be available for missing senior citizens; defining “senior citizen”; requiring the Silver Alert plan address missing senior citizens; and applying Silver Alert program procedures to missing senior citizens.”

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. 91**), and there were—yeas 94, nays 4, absent and not voting 2, with the yeas and absent and not voting being as follows:

Nays: Folk, Marcum, McGeehan and Wilson.

Absent and Not Voting: Ferro and Upson.

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. 2167) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, to take effect July 1, 2017, of

S. B. 231, Relating to State Board of Education and Medicaid-eligible children.

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

On page one, section five-b, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

“(b) The state board may delegate this provider status and subsequent reimbursement to regional education service agencies, county boards or both: *Provided*, That a county board is not required to seek reimbursement if it determines there is not a net benefit after consideration of costs and time involved with seeking the reimbursement for eligible services and that the billing process detracts from the educational program.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 92**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ferro and Upson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 231) passed.

Delegate Cowles moved that the bill take effect July 1, 2017.

On this question, the yeas and nays were taken (**Roll No. 93**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Howell.

Absent and Not Voting: Ferro, Kelly and Upson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 231) takes effect July 1, 2017.

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

Special Calendar

Third Reading

Com. Sub. for H. B. 2618, Relating to body mass index; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 94**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Fluharty, Hicks, Iaquinta, Marcum, Miley and Rowe.

Absent and Not Voting: Ferro.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2618) passed.

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

Second Reading

Com. Sub. for S. B. 301, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 330, Relating to WV Workplace Freedom Act; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, after the enacting section, by striking out everything thereafter and inserting in lieu thereof the following:

“ARTICLE 5G. WEST VIRGINIA WORKPLACE FREEDOM ACT.

§21-5G-1. Definitions.

As used in this article: ~~the following terms have the following definitions~~

~~(a)~~ (1) The term 'person' means any individual, proprietorship, partnership, firm, association, corporation, labor organization or any other legal entity.

~~(b)~~ (2) The term 'labor organization' means any organization, agency, union or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay or other terms or conditions of employment.

~~(c)~~ (3) The term 'employer' means any person employing at least one individual in the state or any agent of an employer employing at least one individual in the state.

~~(d) The term 'state' means any officer, board, branch, commission, department, division, bureau, committee, agency, authority or other instrumentality of the State of West Virginia~~

§21-5G-7. Construction; Applicability; severability.

~~(a) Construction. — Except to the extent expressly prohibited by the provisions of this article, nothing in this article is intended, or should be construed, to change or affect any law~~

~~concerning collective bargaining or collective bargaining agreements in the building and construction industry~~

~~(b)~~ (a) Applicability. — This article applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2016: *Provided*, That the provisions of this article ~~shall~~ do not otherwise apply to or abrogate a written or oral contract or agreement in effect on or before June 30, 2016.

~~(c)~~ (b) Severability. — If any provision of this ~~act~~ article or the application of any such provision of this article to any person or circumstance ~~should be~~ is held invalid by a court of competent jurisdiction, the remainder of this ~~act~~ article or the application of its provisions to persons or circumstances other than those to which it is held invalid ~~shall~~ is not ~~be~~ affected thereby.”

The bill was then ordered to engrossment and third reading.

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

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

H. B. 2446, Relating to the requirement that all executive branch agencies maintain a website that contains specific information; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2522, Nurse licensure compact; 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. 2601, Relating to municipal policemen's or municipal firemen's pension and relief funds; 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. 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2631, Relating to time standards for disposition of complaint proceedings; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, section five, line fourteen, after the word 'complaint', by inserting out the words "and the Respondent".

And,

On page two, section five, line twenty-one, after the word "due", by inserting the following sentence:

"The board shall send a copy of the status report to the party filing the complaint and the Respondent by certified mail with a signed return receipt."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2649, Adding violations of law upon which a public servant's retirement plan may be forfeited; 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. 2683, Relating to West Virginia Insurance Guaranty Association Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2792, Requiring the Library Commission to survey the libraries of the state; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2796, Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services; 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. 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned,

Com. Sub. for H. B. 2555, Relating to tax credits for apprenticeship training in construction trades,

Com. Sub. for H. B. 2586, Relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board,

Com. Sub. for H. B. 2676, Transferring the Security office under the Division of Culture and History to the Division of Protective Services,

Com. Sub. for H. B. 2694, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas,

Com. Sub. for H. B. 2739, Relating to supplemental Medicaid provider reimbursement,

H. B. 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund,

Com. Sub. for H. B. 2811, Relating to the definition of above ground storage tanks,

H. B. 2833, Specifying the contents and categories of information for inclusion in annual reports,

Com. Sub. for H. B. 2839, Updating the procedures for legislative review of departments and licensing boards,

Com. Sub. for H. B. 2852, Relating to the preparation of a comprehensive annual financial report,
And,

Com. Sub. for H. B. 2868, Relating generally to Uniform Unclaimed Property Act.

Leaves of Absence

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

Miscellaneous Business

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

Delegate Sponaugle asked and obtained unanimous consent that the remarks of Delegates Baldwin and Marcum during Remarks by Members today be printed in the Appendix to the Journal.

Delegate Householder filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2451.

Delegate A. Evans filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2949.

Delegate Lane filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3030.

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

Delegate Eldridge filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3059.

Delegate Frich filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 3064.

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

Delegate Baldwin filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2660.

Delegate Westfall filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 2738.

Delegate Canestraro filed a form with the Clerk's Office per House Rule 94b to be removed as a cosponsor of H. B. 3017.

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

Delegate Isner filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. C. R. 79.

At 12:16 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, March 16, 2017.

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

SPECIAL CALENDAR

Thursday, March 16, 2017

37th Day

11:00 A. M.

UNFINISHED BUSINESS

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

THIRD READING

- Com. Sub. for S. B. 301 - Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program (NELSON) (EFFECTIVE FROM PASSAGE)
- S. B. 330 - Relating to WV Workplace Freedom Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2373 - Authorizing school bus drivers trained in administration of epinephrine auto-injectors to administer auto-injectors (SHOTT) (REGULAR)
- H. B. 2427 - Requiring agencies listed in the online state phone directory to update certain employee information (HOWELL) (EFFECTIVE FROM PASSAGE)
- H. B. 2446 - Relating to the requirement that all executive branch agencies maintain a website that contains specific information (HOWELL) (EFFECTIVE FROM PASSAGE)
- H. B. 2522 - Nurse licensure compact (SHOTT) (REGULAR)

- Com. Sub. for H. B. 2601 - Relating to municipal policemen's or municipal firemen's pension and relief funds (WALTERS) (REGULAR)
- 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 (WALTERS) (REGULAR)
- Com. Sub. for H. B. 2631 - Relating to time standards for disposition of complaint proceedings (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2649 - Adding violations of law upon which a public servant's retirement plan may be forfeited (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2683 - Relating to West Virginia Insurance Guaranty Association Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2792 - Requiring the Library Commission to survey the libraries of the state (HOWELL) (REGULAR)
- H. B. 2796 - Relating to the West Virginia National Guard entering into contracts and subcontracts for specialized technical services (SHOTT) (REGULAR)

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 (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)
- H. B. 2833 - Specifying the contents and categories of information for inclusion in annual reports (HOWELL) (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)

FIRST 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 (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2916 - Authorizing certain first responders to carry firearms (SHOTT) (REGULAR)

HOUSE CALENDAR

Thursday, March 16, 2017

37th 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**

THURSDAY, MARCH 16, 2017

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON JUDICIARY PRESENTATION ON HB 3093
8:30 A.M. – HOUSE CHAMBER**

**COMMITTEE ON AGRICULTURE & NATURAL RESOURCES
9:00 A.M. – ROOM 434M**

**COMMITTEE ON BANKING & INSURANCE
10:00 A.M. – ROOM 215E**

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

**COMMITTEE ON SENIOR CITIZEN ISSUES
1:00 P.M. – ROOM 215E**

**COMMITTEE ON ENERGY
2:00 P.M. – ROOM 418M**

**COMMITTEE ON HEALTH
2:00 P.M. – ROOM 215E**

FRIDAY, MARCH 17, 2017

**COMMITTEE ON JUDICIARY – PUBLIC HEARING
8:30 A.M. – HOUSE CHAMBER**

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

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