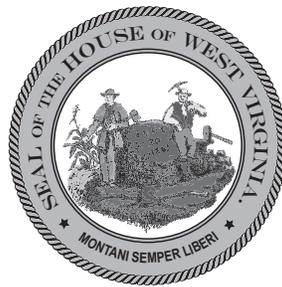


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Extraordinary Session

Held at Charleston
Published by the Clerk of the House



June 17, 2019
SEVENTH DAY

West Virginia Legislature
Journal of the House of Delegates
Eighty-Fourth Legislature
First Extraordinary Session

Charleston, Monday, June 17, 2019

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

Pursuant to the May 20, 2019 motion to adjourn and the subsequent letter from the Speaker of the House reconvening the First Extraordinary Session on Monday, June 17, 2019 at 8:30 a.m., the House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Monday, May 20, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Capito, 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 24th day of May, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 111, Relating to refunds of excise taxes collected from dealers of petroleum products,

H. B. 112, Relating generally to the personal income tax,

H. B. 115, Relating generally to court actions in abuse and neglect proceedings,

H. B. 116, Relating generally to persons eighteen years of age and older in the custody of the Bureau of Juvenile Services,

H. B. 117, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities,

H. B. 119, Supplementing, amending, decreasing, and increasing items from the State Road Fund to the Department of Transportation,

And,

H. B. 133, Relating to the admissibility of health care staffing requirements in medical professional liability litigation.

Delegate Capito, 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 24th day of May, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates.

S. B. 1001, Upper Kanawha Valley Resiliency and Revitalization Program,

S. B. 1004, Antihazing law,

S. B. 1006, Authorizing WV Board of Physical Therapy to conduct criminal background checks on initial license applicants,

S. B. 1009, Establishing health professionals student loan programs,

S. B. 1012, Creating voluntary certification of recovery residences,

S. B. 1013, Permitting certain trained professionals to provide counseling in medication-assisted treatment program,

S. B. 1016, Supplemental appropriation to DOT, Division of Highways,

S. B. 1019, Supplementing, amending, decreasing, and increasing existing appropriations from State Road Fund to DOH for fiscal year ending June 30, 2020,

S. B. 1026, Expiring funds from Treasurer's Unclaimed Property Fund and supplementing appropriations to Governor's Office,

And,

S. B. 1037, Relating generally to medical cannabis.

Messages from the Executive

The following Proclamations of His Excellency, the Governor, were laid before the House of Delegates and read by the Clerk, as follows:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen, and amended by subsequent

Proclamation dated the twentieth day of May, Two Thousand Nineteen, by adding item thirty-four, as follows:

THIRTY-FOUR: a bill relating to the West Virginia Business Ready Sites Program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this thirty-first day of May, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the twentieth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation, dated the thirty-first day of May, Two Thousand Nineteen, by adding items thirty-five through forty-six, as follows:

THIRTY-FIFTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending by adding a new item of appropriation for the fiscal year ending June 30, 2019; and

THIRTY-SIXTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-SEVENTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-EIGHTH: a bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-NINTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FOURTIETH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2019, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FOURTY-FIRST: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FOURTY-SECOND: a bill making a supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020; and

FOURTY-THIRD: a bill making a supplementary a appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated for the fiscal year ending June 30, 2020, to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund, fund 7010, fiscal year 2020, organization 0701 by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

FOURTY-FOURTH: a bill making a supplementary a appropriation of Lottery Net Profits by increasing existing items of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund, fund 3534, fiscal year 2020, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

FOURTY-FIFTH: a bill relating to the procurement of construction work performed as part of disaster mitigation or recovery originating from a declared state of emergency; and

FOURTY-SIXTH: a bill relating to the Ryan Brown Fund.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this fourteenth day of June, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State

Mr. Speaker, Mr. Hanshaw, presented a communication from His Excellency, the Governor, advising that on May 28, 2019, he approved **S. B. 1016, S. B. 1019, H. B. 119 and H. B. 133**; and, on May 29, 2019, he approved **H. B. 111, H. B. 112, H. B. 115, H. B. 116, H. B. 117, S. B. 1001, S. B. 1004, S. B. 1006, S. B. 1009, S. B. 1012, S. B. 1013, S. B. 1026 and S. B. 1037**.

Messages from the Senate

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

H. B. 117, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities.

A message from the Senate, by
The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 118, Relating to the use of post-criminal conduct in professional and occupational initial licensure decision making.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

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

“ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-24. Use of criminal records as disqualification from authorization to practice.

(a) Definitions. — For the purposes of this section:

(1) ‘Board’ means the board, authority, or other agency authorized by the provisions of this chapter to issue licenses, certifications, registrations, or other authorizations to engage in a particular profession or occupation.

(2) 'License' or 'licensure' means the official authorization to engage in a profession or occupation issued by a board, pursuant to the requirements of this chapter.

(3) 'Unreversed', as that term refers to a criminal conviction, means that a conviction has not been set aside, vacated, pardoned, or expunged.

(b) Notwithstanding any provision of this chapter to the contrary, except for the professions and occupations regulated by §30-2-1 et seq., §30-3-1 et seq., §30-3E-1 et seq., §30-14-1 et seq., §30-18-1 et seq., and §30-29-1 et seq. of this code, and where not in conflict with an existing compact or model act:

(1) Boards subject to the requirements of this section may not disqualify an applicant from initial licensure to engage in a profession or occupation because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the profession or occupation requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the board shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Because the term "moral turpitude" is vague and subject to inconsistent applications, boards subject to the requirements of this section may not rely upon the description of a crime for which an applicant has been convicted as one of "moral turpitude" as a basis for denying licensure: *Provided*, That if the prior conviction for the underlying crime bears a rational nexus to the profession or occupation requiring licensure, the board may consider the conviction according to the requirements of subdivision (1) of this subsection.

(3) Notwithstanding any other provision of this chapter to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, a board shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the individual board.

(4) An individual with a criminal record who has not previously applied for licensure may petition the appropriate board at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the board to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The board shall provide

the determination within 60 days of receiving the petition from the applicant. The board may charge a fee to recoup its costs for each petition.

(5) The requirements of this section do not apply to the criteria that boards may consider when making determinations regarding relicensure or discipline of licensees.

(c) Every board subject to the provisions of this section shall propose rules or amendments to existing rules for legislative approval to comply with the provisions of this section. These rules or amendments to rules shall be proposed pursuant to the provisions of §29A-3-1 et seq. of this code within the applicable time limit to be considered by the Legislature during its regular session in the year 2020.”

And,

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

H. B. 118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-24; relating generally to criteria for initial licensure to engage in certain professions and occupations; regulating and making consistent the consideration of prior criminal convictions in initial licensure determinations by certain boards and licensing authorities; requiring a rational nexus between prior criminal convictions considered by certain boards and licensing authorities and the profession or occupation for which the initial licensure is sought; providing criteria for certain boards and licensing authorities to consider when determining whether a criminal conviction has a rational nexus to a profession or occupation; defining terms; eliminating offenses generally described as ones of moral turpitude from grounds for denial of an initial license to engage in certain professions and occupations absent there being a rational nexus between the underlying offense and the profession or occupation for which licensure is sought; requiring certain boards and licensing authorities to allow a previously disqualified applicant to apply for licensure after a certain period of time, with exceptions; requiring certain boards and licensing authorities to allow a potential applicant to petition the board or authority for a determination as to whether his or her criminal record precludes licensure and requiring the board or agency to provide the applicant with such determination within a certain period of time; and requiring certain boards and licensing authorities to promulgate rules.”

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. 817**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Cowles, Higginbotham and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 118) passed.

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

On this question, the yeas and nays were taken (**Roll No. 818**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Cowles, Higginbotham and Sponaule.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 118) takes effect from its passage.

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, without amendment, a bill of the House of Delegates as follows:

H. B. 119, Supplementing, amending, decreasing, and increasing items from the State Road Fund to the Department of Transportation.

A message from the Senate, by

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

H. B. 133, Relating to the admissibility of health care staffing requirements in medical professional liability litigation.

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. 1039 - "A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-25; to amend and reenact §15-1B-24 of said code; to amend said code by adding thereto a new section, designated §18-1-5; to amend said code by adding thereto a new section, designated §18-2E-12; to amend and reenact §18-2I-4 of said code; to amend and reenact §18-5-16, §18-5-16a, §18-5-18a, §18-5-18b, §18-5-45, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-45a; to amend and reenact §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, and §18-5E-6 of said code; to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, §18-5G-8, §18-5G-9, §18-5G-10, §18-5G-11, §18-5G-12, and §18-5G-13; to amend and reenact §18-7A-3 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-7B-2 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-8-4 of said code; to amend and reenact §18-9A-2 of said code as contained in Chapter 133, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-9A-8 and §18-9A-9 of said code; to amend said code by adding thereto a new section, designated §18-9A-19; to amend said code by adding thereto a new section, designated §18-9B-22; to amend and reenact §18-20-5 of said code; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, and §18A-4-10 of said code; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code; and to amend and reenact §29-12-5a of said code, all relating to establishing the Student Success Act; allowing public charter schools to participate in the Public Employees Insurance Agency insurance program; creating personal income tax credits for educational expenses incurred by certain school employees for the purchase of supplementary educational materials or professional development costs; requiring Governor to expand Mountaineer Challenge Academy at its existing location and to a new location subject to agreement required under federal law; requiring the State Board of Education to implement the Mountain State Digital Literacy Project as a pilot project; providing that professional development for classroom teachers should be

individualized; requiring all teachers to receive professional development on addressing social, emotional, and behavioral needs of students; requiring state board to establish the Principals Academy; requiring county boards to establish attendance zones; replacing existing provisions pertaining to student transfers with requirement for county boards to establish an open enrollment policy; requiring appeal process whereby a parent or guardian can appeal the refusal of a county board to accept the transfer of the student; requiring the county to which a student is transferred include the student in its net enrollment in certain instances; providing that certain transfer provisions do not supersede eligibility requirements for participation in extracurricular activities established by the Secondary School Activities Commission; requiring the West Virginia Department of Education to survey districts to determine where overcrowding is impeding student achievement; increasing percentage of work time school counselors are required to spend in a direct counseling relationship with pupils; replacing the required number of instructional minutes per day with a requirement for at least an average of five hours per day throughout the instructional day; allowing public notice of meetings to discuss school calendar to be accomplished by publishing prominently on the county board of education's website; prohibiting certain extracurricular activity participation in certain instances of a work stoppage or strike; providing that the teacher's recommendation is a primary consideration in determining student promotion; removing requirement that an Innovation in Education school have a focus on certain specified areas; removing certain provisions required in an Innovation in Education application and plan; providing county boards instead of the state board the authority to designate schools as Innovation in Education schools; allowing appeals to the State Board of Education certain Innovation in Education-related determinations made by a county board; exempting public charter schools from all statutes and administrative regulations applicable to the state board, a county board, or a school, with exceptions; providing that no elected official can profit from a charter school, with exception; setting forth public charter school requirements and authority; requiring a public charter school be administered by a governing board; allowing a public charter school to enroll any student in the state; requiring randomized and transparent lottery if capacity at a public charter school is insufficient; creating and allowing certain enrollment preferences at a public charter school; requiring a public charter school to submit a student recruitment and retention plan; requiring an applicant to submit an application to an authorizer in order to establish a new public charter school or to convert an existing noncharter public school to a public charter school; setting forth minimum requirements for application for a public charter school; allowing state board, subject to funding, to offer an incentive grant for a public charter school; setting forth duties of the authorizer of a public charter school; establishing process for authorizer's approval or denial of public charter school application; limiting liability of certain persons and entities relating to the operation of a public charter school; requiring each public charter school to remit to its authorizer an oversight fee; requiring a charter contract between the governing board and the authorizer; setting forth requirements for the charter contract; making the authorizer responsible for collecting and reporting to the state board all state-required assessment and achievement data for the public charter school; setting forth requirements pertaining to renewal, nonrenewal, and revoking a charter contract; requiring state board rule establishing the process for renewing or not renewing a charter contract; requiring an authorizer to develop a public charter school closure protocol or protocol for transitioning a charter school to noncharter public school status; allowing a charter applicant or governing board to appeal certain authorizer decisions; setting forth prohibitions for a public charter school; requiring or allowing state board rules pertaining to public charter school funding, clarifying certain requirements, addressing unforeseen circumstances, prohibiting discrimination against employees involved with establishing charter schools, ensuring accountability, allowing the Schools for the Deaf and Blind to apply for authorization, and facilitating the creation of two youth programs modeled after the Mountaineer Challenge Academy; providing for public charter school access to public facilities; setting forth reporting requirements for certain authorizers and the State Superintendent; allowing public charter schools to elect to participate in certain state retirement systems; modifying requirements applicable after certain numbers of unexcused student absences; including professional personnel providing direct social and emotional support services to students and

professional personnel addressing chronic absenteeism within the definition of “professional student support personnel”; increasing calculated net enrollment for the purposes of determining a county’s basic foundation program of certain counties with an actual net enrollment of less than 1,400; decreasing the percent of the levy rate used to calculate local share; basing the basic foundation allowance for professional student support personnel on a ratio; increasing the percentage used to calculate each county’s allowance for current expense; requiring that each county board receive its allocated state aid share of the county’s basic foundation program in the form of block grants; requiring the State Superintendent to provide the State Auditor with the required data for use by the searchable budget data website; including public charter schools in the provisions pertaining to an appropriation to serve certain exceptional children; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; removing definition of salary equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; permitting a county board of education to base its reductions in force determinations on an individual’s qualifications as defined in county board policy; modifying provisions pertaining to the preferred recall list and posting of position openings; removing requirement for county board to annually make available a list of all professional personnel employed, their areas of certification, and their seniority; providing that all personnel in a public charter school accrue seniority for the purpose of employment in noncharter public schools; increasing salaries for service personnel; increasing leave without cause days from three to four; requiring a bonus for classroom teachers who have not used more than four days of personal leave during the employment term; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program; modifying requirements for Higher Education Policy Commission rules providing for administration of the programs; requiring that Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field; continuing the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching Scholars Program Fund; requiring each award recipient to be distinguished as an Underwood-Smith Teaching Scholar; establishing uses for moneys in the Underwood-Smith Teaching Scholars Program Fund; providing for continuation of certain terms, conditions, requirements, and agreements; requiring the Vice Chancellor for Administration to appoint a selection panel to select Underwood-Smith Teaching Scholars; modifying eligibility criteria for Underwood-Smith Teaching Scholars; modifying Underwood-Smith Teaching Scholars award agreement requirements; modifying renewal requirements for an Underwood-Smith Teaching Scholars award; modifying conditions under which a recipient is not in violation of the agreement; requiring Underwood-Smith Teaching Scholars award to be used in preparation for becoming a teacher in a critical shortage field in the public schools of this state; increasing the amount of the annual award; requiring as a condition of loan repayment award eligibility an applicant to be currently employed in a public school in this state in a critical teacher shortage field or as a school counselor in a school or geographic area of the state identified as an area of critical need for such field; requiring as a condition of eligibility an applicant to agree to be employed full time for two school years in a critical teacher shortage field or as a school counselor in a school or geographic area of critical need for such field for each year for which a loan repayment assistance award is received; modifying provisions pertaining to the amount of loan assistance and the requirements for eligibility; modifying eligibility requirements for renewal of a loan repayment assistance award; removing accumulated limit on loan repayment awards; increasing minimum Board of Risk and Insurance Management coverage; requiring at least annual written notice of Board of Risk and Insurance Management insurance coverages by county boards to employee insureds; and allowing public charter schools to obtain insurance coverage from the Board of Risk and Insurance Management.”

Delegate Bates moved that the House refuse to receive the message from the Senate regarding S. B. 1039.

Delegate Summers moved to table the Gentleman's motion.

On this question, Delegate Caputo demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 819**), and there were—yeas 53, nays 44, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Higginbotham and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the motion by Delegate Bates was laid upon the table.

The message was received and the bill, S. B. 1039, was referred to the Select Committee on Education Reform C.

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. 1040 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-10a; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to the Education Savings Account Act; creating compulsory school attendance exemption for Education Savings Account (ESA) students; requiring the Department of Education to annually make a projection of the amount required to fund ESAs and make a request for an appropriation in that amount; requiring the Legislature to appropriate the amount requested; requiring the Department of Education to pay to the West Virginia State Treasurer's Office the amount appropriated; requiring the total amount of funds annually deposited in an ESA to be 90 percent of the prior year's statewide average net state aid allotted per pupil based on net enrollment adjusted for state aid purposes; limiting use of ESA funds to certain qualifying expenses; allowing a parent to apply to the Treasurer to establish an ESA for an eligible student; establishing household income limit as a condition of qualifying for the ESA program; setting forth conditions under which the Treasurer is required to approve applications; requiring Treasurer to annually renew a student's ESA after making certain verifications; setting forth certain duties, obligations, and authority of the Treasurer; creating a Parent Review Committee to assist the Treasurer in determining whether questionable expenditures meet the requirements to be considered qualifying expenses, to provide recommendations to the Treasurer about how to implement, administer, and improve the ESA Program, and for other purposes; setting forth eligibility requirements for service providers; requiring provision to an education service provider that has enrolled an ESA student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974; and addressing legal proceedings"; which was referred to the Select Committee Education Reform B.

Delegate Bates moved that the House refuse to receive the message from the Senate regarding S. B. 1040.

Delegate Espinosa arose to a point of order that the bill had already been referred to a committee.

To which point, the Speaker ruled the bill had been referred to committee.

Delegate Caputo then moved that the House of Delegate adjourn *sine die*.

The question being, "Shall the House adjourn *sine die*?", the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 820**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles, Higginbotham and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the motion to adjourn *sine die* did not prevail.

Resolution Introduced

Resolutions were introduced, pursuant to House Rule 109, read by their titles, and severally referred, as follows:

Delegates Espinosa, Ellington, Wilson, Rowan, Hardy, Bibby, Cowles, Householder, Kessinger and Foster offered the following resolution, which was read by its title and referred to the Select Committee on Education Reform B:

H. C. R. 102 - "Requesting the Joint Committee on Government and Finance to conduct an interim study on the desired vision and future for public education in West Virginia."

Whereas, §18-1-4 of the West Virginia Code establishes Vision 2020: An Education Blueprint for Two Thousand Twenty (Vision 2020); and

Whereas, Vision 2020 required the Board of Education to create a plan that set forth goals, objectives, strategies, indicators and benchmarks to be achieved in public education by the year 2020; and

Whereas, The Legislature has not received a report on the status of reaching the measurements set forth in the Board of Education's plan; and

Whereas, The next regular session of the Legislature is in 2020; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on the desired vision and future for public education in West Virginia; and, be it

Further Resolved, That a report on the findings, conclusions, and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations, be reported to the Legislature at its 2020 Regular Session; and, be it

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

Delegates Espinosa, Ellington, Wilson, Rowan, Hardy, Bibby, Cowles, Householder and Kessinger offered the following resolution, which was read by its title and referred to the Select Committee on Education Reform C:

H. C. R. 103 - "Requesting the Joint Committee on Government and Finance to conduct an interim study on the desired vision and future of the Albert Yanni Programs of Excellence in Vocational-Technical Education."

Whereas, Chapter 18, Article 10C of the West Virginia Code establishes the Albert Yanni Programs of Excellence in Vocational-Technical Education ("the Albert Yanni Programs") to create a comprehensive set of programs of educational incentives for talented students, educators, and administrators to make a significant impact toward achieving excellence in vocational-technical education, ensuring a highly technical workforce, and revitalizing the state's economy; and

Whereas, The Albert Yanni Programs were created by statute in 1989 and only one section has been amended since that time; and

Whereas, Two of the programs required by statute were never created; and

Whereas, Rapid and vast changes have been made in technology in the 30 years since the subject article was written; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct an interim study on the Albert Yanni Programs to determine their effectiveness and how they may be restructured or repealed; and, be it

Further Resolved, That a report on the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations, be reported to the Legislature at its 2020 Regular Session; and, be it

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

By Delegate Wilson:

H. J. R. 101 - "Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, relating to education, supervision of free schools and organization of the West Virginia Board of Education; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

Bills Introduced

Bills were introduced, pursuant to House Rule 92, read by their titles, and severally referred, as follows:

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

H. B. 144 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the West Virginia Development Office to consider certain applications; allowing the Secretary of the Department of Commerce to certify sites that do not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission as having potential for industrial development, upon the recommendation of the Development Office; requiring the Public Service Commission consider certain multi-year comprehensive plans for infrastructure development to construct public utility infrastructure and provide services to industrial development sites as certified by the Secretary, in lieu of a proceeding pursuant to §24-2-11 of this code; requiring the applicant to publish, in the form the Public Service Commission directs, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 144) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

H. B. 145 - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to permitting work performed as part of disaster mitigation or recovery originating from a declared state of preparedness or state of emergency be contracted out on an open-ended basis; specifying certain conditions for fair and competitive bidding; and providing examples of a construction project"; to the Committee on the Judiciary.

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

H. B. 146 - "A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating to the establishment and funding of substance use disorder treatment and recovery facilities"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 147 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the Secretary of Commerce to consider certain applications; allowing the secretary to certify sites that do not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission as having potential for industrial development; requiring the Public Service Commission to consider certain multi-year comprehensive plans for infrastructure development to construct public utility infrastructure and provide services to industrial development sites as certified by the secretary, in lieu of a proceeding pursuant to §24-2-11 of the

code; requiring the applicant to publish the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section”; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 148 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 149 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending by adding a new item of appropriation for the fiscal year ending June 30, 2019”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 150 - “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, 2020, to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund, fund 7010, fiscal year 2020, organization 0701 by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 151 - “A Bill making a supplementary appropriation of Lottery Net Profits by increasing existing items of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund, fund 3534, fiscal year 2020, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 152 - “A Bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 153 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 154 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 155 - "A Bill supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 156 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2019, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 157 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019"; to the Committee on Finance.

By Delegates Shott, Jennings, Hamrick, Westfall, Pack, Rohrbach, Dean, Cooper, Wilson and Mandt:

H. B. 158 - "A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the process for improving education by requiring the state board to establish rules for student accountability regarding performance on the statewide summative assessment program"; to the Committee on Select Committee on Education Reform A.

By Delegates Foster, Espinosa, Shott, Summers, Graves, Kump, Hamrick, Porterfield, Harshbarger and Jennings:

H. B. 159 - "A Bill to repeal §18-10N-1, §18-10N-2, §18-10N-3, and §18-10N-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-3-62, all relating to information technology access for the blind and visually impaired; providing legislative findings and policy; providing definitions; requiring the purchasing division to develop access standards; requiring agencies to implement access planning in procurement operations; specifying parameters for application of the act; and removing superseded deadlines"; to the Committee on Select Committee on Education Reform A.

By Delegates Phillips, Foster, Hamrick, Westfall, Graves, Kump, Espinosa, Cooper, Jennings, Shott and Summers:

H. B. 160 - "A Bill to repeal §18-10L-1, §18-10L-2, §18-10L-3, §18-10L-4, §18-10L-5, §18-10L-6, §18-10L-7, §18-10M-1, §18-10M-2, §18-10M-3, §18-10M-4, §18-10M-5, §18-10M-6, §18-10M-7, and §18-10M-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, and §16-59-7; and to amend said code by adding thereto a new article, designated §16-60-1, §16-60-2, §16-60-3, §16-60-4, §16-60-5, §16-60-6, §16-60-7, and §16-60-8, all relating generally to moving two existing articles to a more appropriate chapter within the code, said articles concerning public health and aiding persons with disabilities to live independent lives, the Ron Yost Personal Assistance Services Act, and the West Virginia Independent Living Act; providing a short title; providing legislative findings, purposes, principles, and policies; providing for definitions; establishing programs; continuing the West Virginia Statewide Independent Living Council and defining its membership, duties, governance, and authorities; continuing the Ron Yost personal assistance services board and defining its membership, duties, and authorities; providing for a state plan for independent living; establishing program requirements, program services, and program limitations; providing eligibility requirements for programs; providing for funding for programs; authorizing the creation of grants and use of contracts; providing rulemaking authority; and providing for reporting requirements"; to the Committee on Select Committee on Education Reform A.

By Delegates Harshbarger, Summers, Cooper, Jennings, Phillips, Kump, Graves, Westfall, Hamrick, Shott and Porterfield:

H. B. 161 - "A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15 and §18-9D-19, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; providing duties and powers of school building authority; providing authority to issue revenue bonds; providing authority to offer higher education savings plans; closing certain fund; providing purposes and revenue sources for other funds; providing authority to collect rents; providing for the use of proceeds of bonds; providing for the issuance of revenue refunding bonds, use of proceeds, entry into escrow agreements and redemption of bonds; paying bonds; expending authority funds for projects; requirements for projects; and authorizing construction of comprehensive high schools"; to the Committee on Select Committee on Education Reform A.

By Delegates Shott, Foster, Westfall, Graves, Espinosa, Summers, Kump, Phillips, Harshbarger and Jennings:

H. B. 162 - "A Bill to repeal §18-2-5d, §18-2-13b, §18-2-16, §18-2-16a, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2K-1 and §18-2K-4 of said code, as amended; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18c, §18-5-18e, and §18-5-43 of said code; to repeal §18-5D-1, and §18-5D-2 of said code; to repeal §18-7A-36 of said code; to repeal §18-8A-1, §18-8A-2, §18-8A-3 and §18-8A-4 of said code; to repeal §18-9A-8a, §18-9A-17, and §18-9A-20 of said code; to repeal §18-9B-11a of said code; to repeal §18-9E-1 of said code; to repeal §18-9F-1 and §18-9F-8 of said code; to repeal §18-10J-1 of said code; and to amend and reenact §18-2K-2 and §18-2K-3 of said code; to amend and reenact §18-5-16a of said code; to amend and reenact §18-5D-3 and §18-5D-5 of said code; to amend and reenact §18-9A-2, §18-9A-6a, §18-9A-7, §18-9A-8, §18-9A-9, §18-9A-10, §18-9A-11, §18-9A-14, §18-9A-15, §18-9A-16, §18-9A-18, §18-9A-21, and §18-9A-24; to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code; to amend and reenact §18-9E-3, §18-9E-4, and §18-9E-5 of said code; to amend and reenact §18-9F-4, and §18-9F-9 of said code; to amend and reenact §18-10J-6 of said code; and to amend and reenact §18-17-3 of said code, all relating to removing antiquated, redundant, or

expired provisions of the code; updating references; removing outdated report requirements; removing the requirement for the State Board of Education to consult the Department of Health and Human Services when developing guidelines for care plans; removing dates that are no longer relevant; relating to the public school support program, also known as the school aid funding formula; removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions; setting foundation allowance for professional support personnel; deleting provisions relating to School Construction Fund and the School Building Authority; reducing the proportion of assessed value on certain classifications of property; and removing the requirement of the Legislature to appropriate the budget amount as calculated by the State Superintendent of Schools; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; removing redundant short titles for articles of the code; updating references to local health departments; updating procedural language for rule-making procedures; and removing provisions relating to the costs of providing clothing to indigent pupils attending West Virginia schools for the deaf and blind"; to the Committee on Select Committee on Education Reform A.

By Delegates Summers, Espinosa, Cooper, Hamrick, Foster, Harshbarger, Westfall, Graves, Kump and Phillips:

H. B. 163 - "A Bill to repeal §18A-1-3 of the Code of West Virginia, 1931, as amended; and to repeal §18A-4-20 of said code, relating to removing antiquated, redundant, or expired provisions of the code"; to the Committee on Select Committee on Education Reform A.

By Delegate Hornbuckle:

H. B. 164 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-10b, relating to creating a grant program to improve local education agency efforts to train K-12 students to write and develop computer software programs; authorizing grants to qualified educational organizations by the state providing terms of the grant; defining the application process; and providing for legislative rule-making"; to the Committee on Select Committee on Education Reform A.

By Delegate C. Thompson:

H. B. 165 - "A Bill to amend and reenact §18-9A-2, §18-9A-8, and §18-9A-12 of the Code of West Virginia, 1931, as amended, all relating to public school support funding; revising definition of professional student support personnel; increasing the maximum number of personnel attributable to Advanced Career Education programs; providing for subsequent review of this maximum number; adjusting the calculation formula for the professional student support personnel component; establishing effective dates; and revising the calculation of the county local share"; to the Committee on Select Committee on Education Reform A.

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

H. B. 166 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar; modifying the definition of instructional day; making findings regarding the importance of quality instruction and collaborative planning time; removing certain statutory provisions relating to use of equivalent time; modifying the days that must be included within the instructional term; and allowing notice of public meetings regarding the school calendar to be posted on the county board of education's website"; to the Committee on Select Committee on Education Reform A.

By Delegates Householder, D. Jeffries, Ellington, Steele, Waxman, Foster, Phillips, Harshbarger, Mandt, Hill and Hardy:

H. B. 167 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated section §11-21-25, relating to allowing a tax credit for state income tax purposes for certain expenses paid by parent or legal guardian of student in providing private or home school grade levels prekindergarten through grade 12 education for the student; setting a maximum tax credit of \$3,000 per taxable year; permitting tax credits in excess of tax liability to be carried forward for a maximum of four taxable years or until the excess credit is used in its entirety; providing for definitions; and establishing rulemaking authority and emergency rulemaking authority to the Tax Commissioner"; to the Committee on Select Committee on Education Reform B.

By Delegates Shott, Householder, Harshbarger, Howell, Cowles, Espinosa, Cooper, D. Jeffries, Bibby, Mandt and Wilson:

H. B. 168 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, §11-28-8, §11-28-9, §11-28-10, §11-28-11, §11-28-12, §11-28-13, §11-28-14, and §11-28-15, all relating to establishing the West Virginia Equal Opportunity Education Scholarship program; providing for definitions; establishing a tax credit for contributions to a scholarship-granting organization; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing reporting requirements for scholarship-granting organizations; establishing a tax credit for contributions to eligible education improvement grants; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing a tax credit for contributions to public school districts; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing accounting requirements for public school districts; establishing tax credits for contributions to eligible public school foundations; providing for maximum credits to certain contributors; providing for maximum credits toward multi-year contributions; establishing reporting requirements for eligible public school foundations; establishing the maximum credits allocable for contributions to scholarship-granting organizations at \$5 million; establishing the maximum credits allocable for contributions to eligible education improvement grant organizations, public school districts, or eligible public school foundations at \$5 million; establishing a \$100,000 tax credit limit for each public school district annually; provides for the Tax Commission to allocate total credits for all contributors; requiring that a scholarship-granting organization or an educational improvement grant organization actually award at least 90 percent of its funds for contributions to be eligible for a tax credit; providing that tax credits earned by a taxpayer cannot be used in a previous taxable year; providing for a method the Tax Commission shall use to allocate eligible tax credits for scholarship-granting organizations; providing for a method the Tax Commission shall use to allocate eligible tax credits for eligible education improvement grant organizations, public school districts, or eligible public school foundations; providing for credits in excess of the cap be carried forward into the next taxable year; providing that the Tax Commission shall publish, on its website, the percentage of a contribution that may be claimed as a credit for any contribution to an authorized entity; requiring the Tax Commission to notify contributors of the percentage of a contribution that can be claimed as a tax credit annually; providing that a taxpayer's tax liability cannot be reduced to less than zero using these credits; providing for carry over of tax credits unable to be utilized by a taxpayer for a maximum of the next three taxable years; establishing requirements for an authorized entity to be eligible to receive contributions for tax credits; requiring organizations to report information to the Tax Commission to remain eligible to receive contributions for tax credits; providing the Tax Commission the ability to create or require certain forms be used to receive information; providing for limitations on the information the Tax Commission may require from authorized entities; providing for additional requirements for scholarship-granting organizations when reporting information to the Tax Commission; and establishing rulemaking authority in the Tax Commission"; to the Committee on Select Committee on Education Reform B.

By Delegates Householder, Foster, Graves, Worrell, Howell, Cowles, Porterfield, Cooper,

D. Jeffries, Bibby and Hanshaw (Mr. Speaker):

H. B. 169 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated section §11-21-12j, relating to authorizing a modification reducing federal adjusted gross income for state income tax purposes for certain expenses paid by parent or legal guardian of student in providing private or home school grade levels prekindergarten through grade 12 education for the student; providing for a maximum amount of \$3,000 in a taxable year; requiring that the taxpayer's tax liability cannot be less than zero; permitting amounts in excess of tax liability be carried forward for the next four taxable years or until the excess is used in its entirety; providing for definitions; establishing rule-making authority and emergency rule-making authority with the Tax Commissioner"; to the Committee on Select Committee on Education Reform B.

By Delegate Hanshaw (Mr. Speaker)**[By Request of the Executive]:**

H. B. 170 - "A Bill to amend and reenact §18-5-16 and §18-5-16a of the Code of West Virginia, 1931, as amended, all relating to student transfers; requiring county boards to establish attendance zones; addressing the transfer and enrollment policies for students in public schools; establishing open enrollment policy that may be adopted by county boards; applicability of eligibility requirements following student transfer for participation in extra-curricular activities established by the Secondary Schools Activities Commission; and expiring provisions related to agreed transfers of individual pupils"; to the Committee on Select Committee on Education Reform B.

By Delegate Hornbuckle:

H. B. 171 - "A Bill to amend and reenact §11-15-9g of the Code of West Virginia, 1931, as amended, relating to providing a four-day sales tax holiday during which certain items of clothing, school supplies, school instructional materials, laptop and tablet computers, and sports equipment are exempt from sales and use taxes"; to the Committee on Select Committee on Education Reform B.

By Delegates Pushkin, Rowe and Fleischauer:

H. B. 172 - "A Bill to amend and reenact §18-21-2 of the Code of West Virginia, 1931, as amended, relating to extending the length of time for the special Community-Based Pilot Demonstration Project to Improve Outcomes for At-Risk Youth"; to the Committee on Select Committee on Education Reform B.

By Delegate C. Thompson:

H. B. 173 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-7A-26x, relating to providing an annual cost-of-living increase in the amount of \$2,000 for retired teachers and service personnel"; to the Committee on Select Committee on Education Reform B.

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

H. B. 174 - "A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-10, §18-5B-11, §18-5B-12, §18-5B-13, §18-5B-14, §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, §18-5E-6, and §18-5E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, and §18-5G-8, all relating to increasing and promoting school innovation and flexibility; declaring purpose of Innovation Schools; defining Innovation School; setting forth responsibilities for Innovation Schools; allowing Innovation Schools to solicit and accept gifts to use in support of Innovation School; requiring state board to promulgate rule setting forth application process to receive Innovation School; requiring an Innovation School plan; setting forth required contents of Innovation School plan; setting forth evaluation process

for Innovation Schools; specifying action that may be taken following Innovation School evaluation; creating the Innovation School Fund; providing an avenue for flexibility for high performing schools; and clarifying article does not affect prior Innovation Zone or Innovation in Education designations”; to the Committee on Select Committee on Education Reform B.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 175 - “A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to personal leave for county board of education employees; providing for accrual of personal leave at the end of each pay period; and providing bonus for four or fewer absences”; to the Committee on Select Committee on Education Reform B.

By Delegate Espinosa:

H. B. 176 - “A Bill to amend and reenact §18-5-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5A-2 and §18-5A-3 of said code, all relating to powers, duties, membership and meetings of local school improvement councils; requiring county board to meet at least annually with local school improvement council of low performing school and making meetings with other councils optional; removing requirement to file school board effectiveness policies with state board; requiring certain improvement council officers to address council’s dialogue with parents and others at meeting with county board; removing requirement for county boards to report details of meetings with councils to state board; modifying membership of improvement councils; increasing prior notice of council meetings; removing council duty for meeting on student discipline issues and reporting to countywide council on productive and safe schools; requiring at least one council meeting annually for dialogue with parents and others on school’s academic performance and standing; requiring meeting of certain council members of low performing school with state board and providing minimum issues to be addressed; referencing council authority to propose alternatives and request waivers of rules, policies, interpretations and state statutes; expanding issues on which school required to cooperate with council to promote innovations and improvements; reorganizing and clarifying authority and procedures for local school improvement councils to propose alternatives to the operation of school including request of waiver to rules, policies, interpretations and state statutes; and preserving primary authority of county board to approve alternatives subject to grant of necessary waivers by other bodies”; to the Committee on Select Committee on Education Reform B.

By Delegate Hornbuckle:

H. B. 177 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot project; authorizing parents to opt-out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rule making; and requiring that the pilot project may not begin until the Legislature approves the relevant rules”; to the Committee on Select Committee on Education Reform B.

By Delegate Hanshaw (Mr. Speaker):

H. B. 178 - “A Bill to amend and reenact §18A-2-1a of the Code of West Virginia, 1931, as amended, relating to employment of individuals to teach elective courses”; to the Committee on Select Committee on Education Reform C.

By Delegate Espinosa:

H. B. 179 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-12a, relating to increasing basic state aid of school systems with low local resources per student; and providing for determination of adjustment"; to the Committee on Select Committee on Education Reform C.

By Delegate Espinosa:

H. B. 180 - "A Bill to amend and reenact §11-8-6f of the Code of the West Virginia, 1931, as amended; and to amend and reenact §18-9A-2 of said code as contained in Chapter 133, Acts of the Legislature, Regular Session, 2019, all relating to school board levy rates; modifying regular levy rates; and allowing county boards of education to increase their regular levy rates to the statutory maximum"; to the Committee on Select Committee on Education Reform C.

By Delegate Bates:

H. B. 181 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to directing the state board of education to facilitate an adequacy cost study of public school funding; and providing reporting requirements"; to the Committee on Select Committee on Education Reform C.

By Delegate Pushkin:

H. B. 182 - "A Bill to amend and reenact §18-3-12 of the Code of West Virginia, 1931, as amended, relating to the special community development school pilot program"; to the Committee on Select Committee on Education Reform C.

By Delegate Ellington:

H. B. 183 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-25, relating to creating an after school grant program; requiring the department of education to provide assistance; defining terms; requiring reports; and establishing a special revenue account"; to the Committee on Select Committee on Education Reform C.

By Delegate C. Thompson:

H. B. 184 - "A Bill to amend and reenact §18A-4-2, and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to teacher and school personnel salaries, increasing annual salaries of public school teachers and school service personnel"; to the Committee on Select Committee on Education Reform C.

By Delegates Pushkin and Caputo:

H. B. 185 - "A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the right of collective bargaining and the right to strike to teachers and school service personnel"; to the Committee on Select Committee on Education Reform C.

By Delegates Campbell, Staggers and Lavender-Bowe:

H. B. 186 - "A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to requiring Governor to expand Mountaineer Challenge Academy at its existing location and to a new location subject to agreement required under federal law"; to the Committee on Select Committee on Education Reform C.

By Delegates Lovejoy, Rohrbach, Miller, Hornbuckle, Canestraro, Williams, Robinson, Rowan, S. Brown and Byrd:

H. B. 187 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All initiative; providing findings; directing a county-by-county assessment of nonschool day student food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other nonschool time periods; providing county board reporting

requirements to the office of Child Nutrition; and directing the office of Child Nutrition to collect and distribute information regarding available food resources”; to the Committee on Select Committee on Education Reform C.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 188 - “A Bill to amend and reenact §18-9A-8 of the Code of West Virginia, 1931, as amended, relating to funding for professional student support services; and establishing school aid formula allowance for professional student support personnel at 4.70 positions per 1,000 students in net enrollment”; to the Committee on Select Committee on Education Reform C.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 189 - “A Bill to amend and reenact §11-8-6f of the Code of West Virginia, 1931, as amended, relating to modifying regular school board levy rates”; to the Committee on Select Committee on Education Reform C.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 190 - “A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to increasing salaries for teachers; granting additional experiences for purposes of pay scale to math teachers meeting specified requirements; and increasing salaries of school service personnel”; to the Committee on Select Committee on Education Reform C.

By Delegate Steele:

H. B. 191 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-1-12, all relating to exemptions from mandated immunizations”; to the Committee on Select Committee on Education Reform C.

By Delegates Shott, Graves, Howell, Kump, Worrell, Dean, Porterfield, Sypolt, Toney, Kessinger and Hill:

H. B. 192 - “A Bill to amend and reenact §18A-3-7 of the Code of West Virginia, 1931, as amended, relating to removing certain fees for teaching, administrative, and support certificates established by the State Board of Education for out-of-state applicants with comparable out-of-state certifications, and capping fees at in-state levels for teaching, administrative, and support certificates for out-of-state applicants without comparable out-of-state certifications”; to the Committee on Select Committee on Education Reform D.

By Delegates Ellington, Linville, Waxman, Foster, Howell, Dean, Harshbarger, Summers, Hamrick, Bibby and Cooper:

H. B. 193 - “A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to a statewide school personnel job bank; and requiring that certain information be contained within a job notice”; to the Committee on Select Committee on Education Reform D.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 194 - “A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the public school support program; expanding the definition of ‘professional student support personnel’; increasing the basic foundation allowance for professional student support personnel; providing that counties with less than 1,400 in net enrollment shall be considered to have 1,400 in net enrollment for the purposes of determining the county’s basic foundation

program; modifying definition of the adults that participate in vocation programs that may be included in net enrollment; and modifying definition of 'levies for general current expense purposes'; to the Committee on Select Committee on Education Reform D.

By Delegate C. Thompson:

H. B. 195 - "A Bill to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to salaries for teachers and service personnel; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; removing definition of salary equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; permitting a county board of education to base its reductions in force determinations on an individual's qualifications as defined in county board policy; and increasing salaries for service personnel"; to the Committee on Select Committee on Education Reform D.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 196 - "A Bill to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4 of the Code of West Virginia, 1931, as amended, all relating to the Underwood-Smith Teaching Scholars Program; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs as the Underwood-Smith Teaching Scholars Program; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs as the Underwood-Smith Teaching Scholars Program; modifying program purpose to target certain disciplines in geographic areas of critical need; requiring recipients to receive additional academic support and training from certain mentors; requiring each recipient to be distinguished as an 'Underwood-Smith Teaching Scholar'; modifying award eligibility, service agreement, and renewal criteria to reflect modified program purpose; preserving eligibility and service agreement criteria for current award recipients; and modifying the amount of an award and limiting tuition and fee charges for program recipients"; to the Committee on Select Committee on Education Reform D.

By Delegate C. Thompson:

H. B. 197 - "A Bill to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of the Code of West Virginia, 1931, as amended, all relating to the Teacher Education Loan Repayment Program; reforming the Underwood-Smith Teacher Loan Assistance Program into a new program; requiring that applicants be currently employed within the state school system; specifying the school years to which the amendments will apply; and establishing a minimum annual level of award"; to the Committee on Select Committee on Education Reform D.

By Delegate McGeehan:

H. B. 198 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax"; to the Committee on Select Committee on Education Reform D.

By Delegate Pushkin:

H. B. 199 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; and to amend and reenact §18-5-39 of said code, all relating to establishing a summer education and employment program for low income, underperforming high school students; authoring the state board of education to establish program criteria; providing for a special revenue account; and authorizing county school boards to implement the program"; to the Committee on Select Committee on Education Reform D.

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

H. B. 200 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to providing additional pay for certain teachers providing math instruction"; to the Committee on Select Committee on Education Reform D.

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

H. B. 201 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to establishing a tax credit up to \$250 for the purchase of supplementary education materials or professional development costs incurred by a classroom teacher, classroom aide, autism mentor, braille specialist, early childhood classroom assistant, paraprofessional, sign language assistant teacher, educational sign language interpreter, or sign support specialist employed by a public or private school"; to the Committee on Select Committee on Education Reform D.

By Delegate Hanshaw (Mr. Speaker):

H. B. 202 - "A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-2-9 of this code, all relating to required physical education for school children; adding legislative findings; requiring nutrient and structured exercise education; requiring state board to contract with service providers to supply childhood obesity prevention program; requiring reporting on program results; and providing criminal penalties"; to the Committee on Select Committee on Education Reform D.

At 9:27 a.m., the House of Delegates recessed until 6:00 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 132, Supplementing and amending existing items of appropriations to the Department of Agriculture,

H. B. 146, Establishing and funding of substance use disorder treatment and recovery facilities,

H. B. 148, Making a supplementary appropriation to the Executive, Governor's Office,

H. B. 149, Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund,

H. B. 150, Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund,

H. B. 151, Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund,

H. B. 152, Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office,

H. B. 153, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office,

H. B. 156, Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection,

And,

H. B. 157, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management.

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 132, H. B. 146, H. B. 148, H. B. 149, H. B. 150, H. B. 151, H. B. 152, H. B. 153, H. B. 156 and H. B. 157) were each taken up for immediate consideration, read a first time and ordered to second reading.

In the absence of objection, the House of Delegates returned to the Fourth Order of Business for the purpose of receiving reports from select committees.

Select Committee Reports

Delegate Ellington, Chair of the Select Committee on Education Reform - B, submitted the following report, which was received:

Your Select Committee on Education Reform – B has had under consideration:

H. B. 174, Increasing and promoting school innovation and flexibility,

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

Com. Sub. for H. B. 174 - "A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-10, §18-5B-11, §18-5B-12, §18-5B-13, §18-5B-14, §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, §18-5E-6, and §18-5E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, and §18-5G-8, all relating to school innovation; declaring purpose of Innovation Schools; defining terms; setting forth responsibilities for Innovation Schools; allowing Innovation Schools to solicit and accept gifts to use in support of Innovation School; requiring state board to promulgate rule setting forth application process to receive Innovation School; requiring an Innovation School plan; setting forth required contents of Innovation School plan; setting forth evaluation process for Innovation Schools; specifying action that may be taken following Innovation School evaluation; creating the Innovation School Fund; providing an avenue for flexibility for high performing schools; and clarifying article does not affect prior Innovation Zone or Innovation in Education designations,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 174) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Ellington, Chair of the Select Committee on Education Reform - B, submitted the following report, which was received:

Your Select Committee on Education Reform - B has had under consideration:

H. B. 167, Allowing a tax credit purposes for certain expenses paid by parent or legal guardian of student in providing private or home school,

H. B. 168, Establishing the West Virginia Equal Opportunity Education Scholarship program,

And,

H. B. 171, Relating to tax exemption for certain school supplies, school instructional materials, laptop and tablet computers, and sports equipment,

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

Pursuant to House Rule 80, the Speaker referred H. B. 167 and H. B. 171 to the Committee on Finance.

Delegate Bates moved that H. B. 168 be referred to the Committee on Finance.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 821**), and there were—yeas 72, nays 24, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Azinger, Bibby, Butler, Capito, Ellington, Foster, Graves, Harshbarger, Hill, Hott, D. Jeffries, D. Kelly, Kessinger, Kump, Malcolm, McGeehan, Phillips, Porterfield, Shott, Steele, Summers, Waxman, Wilson and Worrell.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed and the bill was referred to the Committee on Finance.

Delegate Ellington, Chair of the Select Committee on Education Reform - B, submitted the following report, which was received:

Your Select Committee on Education Reform - B has had under consideration:

H. B. 173, Providing an annual cost-of-living increase for retired teachers and service personnel,

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

The Speaker referred the bill to the Committee on Finance.

Delegate Ellington, Chair of the Select Committee on Education Reform - B, submitted the following report, which was received:

Your Select Committee on Education Reform - B has had under consideration:

H. C. R. 102, Desired Vision and Future for Public Education in West Virginia Interim Study,

And reports the same back with the recommendation that it be adopted.

On motion of Delegate Summers, the resolution was taken up for immediate consideration and adopted.

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

Delegate Shott, Chair of the Select Committee on Education Reform - A, submitted the following report, which was received:

Your Select Committee on Education Reform - A has had under consideration:

H. B. 158, Improving education by requiring the state board to establish rules for student accountability regarding performance,

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

Com. Sub. for H. B. 158 - "A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the process for improving education by requiring the state board to establish a rule for student accountability regarding performance on the statewide summative assessment program,"

And,

H. B. 162, Removing antiquated, redundant, or expired provisions of the code for the administration of education,

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

Com. Sub. for H. B. 162 - "A Bill to repeal §18-2-5d, §18-2-13b, §18-2-16, §18-2-16a, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2K-1 and §18-2K-4 of said code, as amended; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18c, §18-5-18e, and §18-5-43 of said code; to repeal §18-5D-1, and §18-5D-2 of said code; to repeal §18-7A-36 of said code; to repeal §18-8A-1, §18-8A-2, §18-8A-3 and §18-8A-4 of said code; to repeal §18-9A-8a, §18-9A-17, and §18-9A-20 of said code; to repeal §18-9B-11a of said code; to repeal §18-9E-1 of said code; to repeal §18-9F-1 and §18-9F-8 of said code; to repeal §18-10J-1 of said code; and to repeal §18-20-9 of said code, and to amend and reenact §18-2K-2 and §18-2K-3 of said code; to amend and reenact §18-5D-3, §18-5D-4, and §18-5D-5 of said code; to amend said code by adding thereto a new section, designated §18-5D-6; to amend and reenact §18-9A-4, §18-9A-6a, §18-9A-7, §18-9A-16, §18-9A-18, §18-9A-21, and §18-9A-24; to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code; to amend and reenact §18-9E-3, §18-9E-4, and §18-9E-5 of said code; to amend and reenact §18-9F-3, §18-9F-4, and §18-9F-9 of said code; to amend and reenact §18-10J-6 of said code; and to amend and reenact §18-17-3 of said code, all relating to removing

antiquated, redundant, or expired provisions of the code; updating references; removing outdated report requirements; removing the requirement for the State Board of Education to consult the Department of Health and Human Services when developing guidelines for care plans; removing dates that are no longer relevant; relating to the public school support program, also known as the school aid funding formula; removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions; creating the Summer Feeding for All program; specifying legislative findings and declarations for the program; requiring county public schools to conduct an annual survey of students to determine non-school eating patterns and availability of nutritious food; requiring the West Virginia Office of Child Nutrition to assist the counties with the program; requiring county boards to collect and compile information regarding availability of food resources; permitting county school board to investigate and implement programs to facilitate the Summer Feeding for All program; requiring county school boards to provide annual training to train qualified entities on operation of a feeding site; requiring the county board to provide it's survey and findings to Office of Child Nutrition; and requiring the Office of Child Nutrition to monitor program activities and share information between the counties; requiring setting foundation allowance for support personnel; deleting provisions relating to School Construction Fund and the School Building Authority; reducing the proportion of assessed value on certain classifications of property; and removing the requirement of the Legislature to appropriate the budget amount as calculated by the State Superintendent of Schools; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; removing redundant short titles for articles of the code; removing requirements for consultation with the Department of Health and Human Resources and local boards of health in development of rules and policies; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; and to repeal provisions relating to the costs providing clothing to indigent pupils attending West Virginia schools for the deaf and blind,"

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bills (Com. Sub. for H. B. 158 and Com. Sub. for 162) were each taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Shott, Chair of the Select Committee on Education Reform - A, submitted the following report, which was received:

Your Select Committee on Education Reform - A has had under consideration:

H. B. 159, Relating to information technology access for the blind and visually impaired,

H. B. 160, Ron Yost Personal Assistance Services Act,

H. B. 161, Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code related to the School Building Authority,

And,

H. B. 163, Removing sections of code relating to administration of education,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 159, H. B. 160, H. B. 161 and H. B. 163) were each taken up for immediate consideration, read a first time and ordered to second reading.

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

By Delegates Espinosa, Wilson, Bibby, Little, Foster, Householder, D. Jeffries, Malcolm, Waxman, Hardy and Phillips:

H. B. 206 - "A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-1B-24 of said code; to amend said code by adding thereto a new section, designated §18-2E-12; to amend and reenact §18-5-14, §18-5-16, §18-5-16a, §18-5-18a, §18-5-18b, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-48; to amend and reenact §18-5A-2 and §18-5A-3 of said code; to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, §18-5G-8, §18-5G-9, §18-5G-10, §18-5G-11 and §18-5G-12; to amend and reenact §18-7A-3 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-7B-2 of said code as contained in Chapter 89, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-8-4 of said code; to amend and reenact §18-9A-2 of said code as contained in Chapter 133, Acts of the Legislature, Regular Session, 2019; to amend and reenact §18-9A-8 and §18-9A-9 of said code; to amend said code by adding thereto a new section, designated §18-9A-19; to amend said code by adding thereto a new section, designated §18-9B-22; to amend and reenact §18-20-5 of said code; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, and §18A-4-10 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code; and to amend and reenact §29-12-5a of said code, all relating to public education; allowing public charter schools to participate in the Public Employees Insurance Agency insurance program; requiring Governor to expand Mountaineer Challenge Academy at its existing location and to a new location subject to agreement required under federal law; requiring the State Board of Education to implement the Mountain State Digital Literacy Project as a pilot project; modifying requirements for policies to promote school board effectiveness and eliminating requirement for filing and refiling policies with state board; limiting meetings with improvement councils to those at low performing schools; modifying agenda for meeting; eliminating reporting requirement; requiring county boards to establish attendance zones; replacing existing provisions pertaining to student transfers with requirement for county boards to establish an open enrollment policy; requiring appeal process whereby a parent or guardian can appeal the refusal of a county board to accept the transfer of the student; requiring the county to which a student is transferred include the student in its net enrollment in certain instances; providing that certain transfer provisions do not supersede eligibility requirements for participation in extracurricular activities established by the Secondary School Activities Commission; requiring the West Virginia Department of Education to survey districts to determine where overcrowding is impeding student achievement; increasing percentage of work time school counselors are required to spend in a direct counseling relationship with pupils; providing that the teacher's recommendation is a primary consideration in determining student promotion; removing requirement that an Innovation in Education school have a focus on certain specified areas; removing certain provisions required in an Innovation in Education application and plan; providing county boards instead of the state board the authority to designate schools as Innovation in Education schools; allowing appeals to the State Board of Education certain Innovation in Education-related determinations made by a county board; exempting public charter schools from all statutes and administrative regulations applicable to the state board, a county board, or a school, with exceptions; providing that no elected official can profit from a charter school, with exception; setting forth public charter school requirements and authority; requiring a public charter school be administered by a governing board; allowing a public charter school to enroll any student

in the state; requiring randomized and transparent lottery if capacity at a public charter school is insufficient; creating and allowing certain enrollment preferences at a public charter school; requiring a public charter school to submit a student recruitment and retention plan; requiring an applicant to submit an application to an authorizer in order to establish a new public charter school or to convert an existing noncharter public school to a public charter school; setting forth minimum requirements for application for a public charter school; allowing state board, subject to funding, to offer an incentive grant for a public charter school; setting forth duties of the authorizer of a public charter school; establishing process for authorizer's approval or denial of public charter school application; limiting liability of certain persons and entities relating to the operation of a public charter school; requiring each public charter school to remit to its authorizer an oversight fee; requiring a charter contract between the governing board and the authorizer; setting forth requirements for the charter contract; making the authorizer responsible for collecting and reporting to the state board all state-required assessment and achievement data for the public charter school; setting forth requirements pertaining to renewal, nonrenewal, and revoking a charter contract; requiring state board rule establishing the process for renewing or not renewing a charter contract; requiring an authorizer to develop a public charter school closure protocol or protocol for transitioning a charter school to noncharter public school status; allowing a charter applicant or governing board to appeal certain authorizer decisions; setting forth prohibitions for a public charter school; requiring or allowing state board rules pertaining to public charter school funding, clarifying certain requirements, addressing unforeseen circumstances, prohibiting discrimination against employees involved with establishing charter schools, ensuring accountability, allowing the Schools for the Deaf and Blind to apply for authorization, and facilitating the creation of two youth programs modeled after the Mountaineer Challenge Academy; providing for public charter school access to public facilities; setting forth reporting requirements for certain authorizers and the State Superintendent; allowing public charter schools to elect to participate in certain state retirement systems; modifying requirements applicable after certain numbers of unexcused student absences; including professional personnel providing direct social and emotional support services to students and professional personnel addressing chronic absenteeism within the definition of 'professional student support personnel'; increasing calculated net enrollment for the purposes of determining a county's basic foundation program of certain counties with an actual net enrollment of less than 1,400; decreasing the percent of the levy rate used to calculate local share; basing the basic foundation allowance for professional student support personnel on a ratio; increasing the percentage used to calculate each county's allowance for current expense; requiring that each county board receive its allocated state aid share of the county's basic foundation program in the form of block grants; requiring the State Superintendent to provide the State Auditor with the required data for use by the searchable budget data website; including public charter schools in the provisions pertaining to an appropriation to serve certain exceptional children; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; removing definition of salary equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; permitting a county board of education to base its reductions in force determinations on an individual's qualifications as defined in county board policy; modifying provisions pertaining to the preferred recall list and posting of position openings; removing requirement for county board to annually make available a list of all professional personnel employed, their areas of certification, and their seniority; providing that all personnel in a public charter school accrue seniority for the purpose of employment in noncharter public schools; increasing salaries for service personnel; increasing leave without cause days from three to four; requiring a bonus for classroom teachers who have not used more than four days of personal leave during the employment term; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program; modifying requirements for Higher Education Policy Commission rules providing for administration of the programs; requiring that

Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field; continuing the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching Scholars Program Fund; requiring each award recipient to be distinguished as an Underwood-Smith Teaching Scholar; establishing uses for moneys in the Underwood-Smith Teaching Scholars Program Fund; providing for continuation of certain terms, conditions, requirements, and agreements; requiring the Vice Chancellor for Administration to appoint a selection panel to select Underwood-Smith Teaching Scholars; modifying eligibility criteria for Underwood-Smith Teaching Scholars; modifying Underwood-Smith Teaching Scholars award agreement requirements; modifying renewal requirements for an Underwood-Smith Teaching Scholars award; modifying conditions under which a recipient is not in violation of the agreement; requiring Underwood-Smith Teaching Scholars award to be used in preparation for becoming a teacher in a critical shortage field in the public schools of this state; increasing the amount of the annual award; requiring as a condition of loan repayment award eligibility an applicant to be currently employed in a public school in this state in a critical teacher shortage field or as a school counselor in a school or geographic area of the state identified as an area of critical need for such field; requiring as a condition of eligibility an applicant to agree to be employed full time for two school years in a critical teacher shortage field or as a school counselor in a school or geographic area of critical need for such field for each year for which a loan repayment assistance award is received; modifying provisions pertaining to the amount of loan assistance and the requirements for eligibility; modifying eligibility requirements for renewal of a loan repayment assistance award; removing accumulated limit on loan repayment awards; increasing minimum Board of Risk and Insurance Management coverage; requiring at least annual written notice of Board of Risk and Insurance Management insurance coverages by county boards to employee insureds; and allowing public charter schools to obtain insurance coverage from the Board of Risk and Insurance Management.”

Delegate Hornbuckle moved the committee report be rejected.

On this question, Delegate Hornbuckle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 822**), and there were—yeas 42, nays 54, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

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

The committee report was then received.

Delegate Hornbuckle then moved that the bill be committed to the Committee on Education.

On this question, Delegate Hornbuckle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 823**), and there were—yeas 42, nays 54, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

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

On motion of Delegate Summers, the bill (H. B. 206) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Select Committee on Education Reform - C has had under consideration:

H. C. R. 103, Albert Yanni Programs Programs of Excellence in Vocational Education Interim Study,

And reports the same back with the recommendation that it be adopted.

On motion of Delegate Summers, the resolution was taken up for immediate consideration and adopted.

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

Delegate Westfall, Chair of the Select Committee on Education Reform - D, submitted the following report, which was received:

Your Select Committee on Education Reform - D has had under consideration:

H. B. 134, Increasing annual salaries of public school teachers and school service personnel,

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

On motion of Delegate Doyle, the bill (H. B. 134) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Westfall, Chair of the Select Committee on Education Reform - D, submitted the following report, which was received:

Your Select Committee on Education Reform - D has had under consideration:

H. B. 193, Relating to a statewide school personnel job bank,

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

Com. Sub. for H. B. 193 - "A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to a statewide school personnel job bank; requiring that a total compensation statement be contained within a job notice; and defining terms,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 193) was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Westfall, Chair of the Select Committee on Education Reform - D, submitted the following report, which was received:

Your Select Committee on Education Reform - D has had under consideration:

H. B. 192, Removing certain fees for teaching,

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

Com. Sub. for H. B. 192 - "A Bill to amend and reenact §18A-3-7 of the Code of West Virginia, 1931, as amended, relating to certain fees for teaching, administrative, and support certificates established by the State Board of Education; limiting certain fees for teaching, administrative, and support certificates established by the State Board of Education for out-of-state applicants with comparable out-of-state certifications, and capping fees at in-state levels for teaching, administrative, and support certificates for out-of-state applicants without comparable out-of-state certifications,"

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 192) was taken up for immediate consideration, read a first time and ordered to second reading.

Special Calendar

Second Reading

S. B. 1015, Supplemental appropriation to Secretary of State, General Administrative Fees Account; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1017, Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1020, Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1021, Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1023, Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1024, Supplemental appropriation to Department of Agriculture Capital Improvements Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1025, Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 1027, Adding new items and increasing existing items to various accounts; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page two, following line forty-eight, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for WV Food Banks (fund 0131, appropriation 96900) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page four, following line eleven and the number “\$3,500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Safe Schools (fund 0313, appropriation 14300) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page five, following line nine and the number “\$200,000”, by inserting a new paragraph to read as follows:

“Any unexpended balances remaining in the appropriations for Sexual Assault Intervention and Prevention (fund 0407, appropriation 72300) and New Born Screening and Testing (fund 0407, appropriation #####) at the end of the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.”

On page six, following line eight and the numbers “88500 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Blue Ridge Community and Technical College (fund 0601, appropriation 88500) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page six, following line eight and the numbers “47100 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for West Virginia University - Parkersburg (fund 0351, appropriation 47100) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page seven, following line eight and the numbers “41200 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Eastern West Virginia Community and Technical College (fund 0587, appropriation 41200) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

On page seven, following line seven and the numbers “42800 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Glenville State College (fund 0363, appropriation 42800) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

And,

On page seven, following line one and the numbers “43200 \$500,000”, by inserting a new paragraph to read as follows:

“Any unexpended balance remaining in the appropriation for Shepherd University (fund 0366, appropriation 43200) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.”

The bill was then ordered to third reading.

S. B. 1038, Supplemental appropriation to DHHR, Division of Health’s Central Office; on second reading, coming up in regular order, was read a second time and ordered to third reading.

H. B. 113, Establishing tax incentive for new business activity in qualified opportunity zones; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page three, section twelve-k, line fifty, following the words “statewide to”, by striking out the word “affect” and inserting in lieu thereof the word “effect”.

And,

On page five, section six-b, line forty, following the words “statewide to”, by striking out the word “affect” and inserting in lieu thereof the word “effect”.

Delegates Doyle, Walker, S. Brown and Evans moved to amend the bill on page 2, section 12k, line 19, by striking out the period, inserting a colon, and the following proviso:

“Provided, That 60% of the tax credit received by any opportunity zone businesses pursuant to this section must be awarded to minority-owned, veteran-owned or woman owed businesses. The Tax Commissioner shall promulgate legislative rules establishing criteria for minority-owned and woman owned businesses, as defined in §5A-3-59, and veteran owned businesses, as defined in §5A-11-9a of this code, for each to receive at a minimum, 20% of the total tax credit awarded. The rules shall include application procedures to apply for the tax credit, verify the availability of the tax credit and amounts available to other businesses which may qualify for the tax credit.”

On page 4, section 6b, line 11, by striking out the period, inserting a colon, and the following proviso:

“Provided, That availability of this tax credit to corporations is conditioned on at least 60% of the total tax credit made available in any opportunity zone pursuant to this section being awarded to minority-owned, veteran-owned or woman owed businesses, as provided in §11-21-12k of this code.”

The question being on the adoption of the amendment, the same was put and did not prevail.

Delegates Pushkin, Hansen, S. Brown and Rowe moved to amend the bill on page 3, Section 12K, line 51, following the period, by inserting the following:

“(f)(1) Beginning July 1, 2020, The West Virginia University Bureau of Business and Economic Research shall annually undertake a study of the “Opportunity Zone Tax Incentive” program as established in 26 U.S. Code § 1400z and by this section. The Bureau shall report to the West Virginia Legislature’s Joint Committee on Government and Finance by January 1, 2021 on the economic impacts of the use of these tax incentives in West Virginia. The report shall include:

(A) The effectiveness and utilization of the qualified opportunity funds;

(B) The amount of assets held in qualified opportunity funds;

(C) The composition of qualified opportunity fund investments by asset class;

(D) The percentage of qualified opportunity zone census tracts in West Virginia designated under that have received qualified opportunity fund investments; and

(E) The impacts and outcomes of zone designation in those areas on economic indicators, including job creation, poverty reduction, new business starts, and other metrics as determined by the Bureau.

(2) For any investment that claims the credit, the Bureau shall collect relevant information regarding each such investment, including:

(A) The total amount of the investment and the date on which such investment was made;

(B) The type of investment, such as whether the investment is in an existing business, new business or real property, and the location of such business or property;

(C) The type of activity being supported by such investment, such as single-family or multi-family residential properties, commercial properties, or the economic sectors in which the business operates;

(D) In the case of a business, the approximate number of full-time employees at the time the investment in such business was made; and

(E) In the case of real property, the approximate total square footage and the approximate number of residential units, as applicable.

(3) For purposes of any information described in this section, the Bureau shall establish appropriate procedures and measures to ensure that collection of such information is performed in a manner so as to prevent any personally identifiable data included in such information is properly protected and withheld from disclosure to the public”.

(4) The annual reporting requirement for the West Virginia University Bureau of Business and Economic Research shall expire upon expiration of the state tax credit created by this section.”

On page, 3, Section 12K, line 52, by striking out subsection designation “(f)” and inserting in lieu thereof “(g)”;

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

The yeas and nays having been ordered, they were taken (**Roll No. 824**), and there were—yeas 42, nays 54, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hanna, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Shott, Skaff, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Angelucci, Cowles, Higginbotham and Sponaugle.

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

There being no further amendments, the bill was then ordered to engrossment and third reading.

First Reading

H. B. 120, Supplementary appropriation to the Department of Transportation; on first reading, coming up in regular order, were each read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cowles, Higginbotham and Sponaugle.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegate Hanna for H. B. 171 and H. B. 179
- Delegate Kump for H. J. R. 101

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of the following Members in the Appendix to the Journal:

- Delegate Bates during the morning session
- Delegate Butler during the morning session

At 7:13 p.m., the House of Delegates adjourned until 1:00 p.m., Tuesday, June 18, 2019.

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

SPECIAL CALENDAR

Tuesday, June 18, 2019

8th Day

1:00 P. M.

THIRD READING

- S. B. 1015 - Supplemental appropriation to Secretary of State, General Administrative Fees Account
- S. B. 1017 - Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority
- S. B. 1020 - Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill
- S. B. 1021 - Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance
- S. B. 1023 - Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund
- S. B. 1024 - Supplemental appropriation to Department of Agriculture Capital Improvements Fund
- S. B. 1025 - Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019
- S. B. 1027 - Adding new items and increasing existing items to various accounts
- S. B. 1038 - Supplemental appropriation to DHHR, Division of Health's Central Office
- H. B. 113 - Establishing tax incentive for new business activity in qualified opportunity zones

SECOND READING

- H. B. 120 - Supplementary appropriation to the Department of Transportation
- H. B. 132 - Supplementing and amending existing items of appropriations to the Department of Agriculture
- H. B. 134 - Increasing annual salaries of public school teachers and school service personnel
- H. B. 144 - West Virginia Business Ready Sites Program
- H. B. 146 - Establishing and funding of substance use disorder treatment and recovery facilities

- H. B. 148 - Making a supplementary appropriation to the Executive, Governor's Office
- H. B. 149 - Making a supplementary appropriation to the Executive, Governor's Office, Civil Contingent Fund
- H. B. 150 - Making a supplementary appropriation to the Department of Revenue, Office of the Secretary, Home Rule Board Operations Fund
- H. B. 151 - Making a supplementary appropriation to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund
- H. B. 152 - Making a supplementary appropriation by adding a new item and increasing the expenditure to the Department of Revenue, State Budget Office
- H. B. 153 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health, Central Office
- H. B. 156 - Making a supplementary appropriation to the Department of Environmental Protection, Division of Environmental Protection
- H. B. 157 - Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management
- Com. Sub. for H. B. 158 - Improving education by requiring the state board to establish rules for student accountability regarding performance
- H. B. 159 - Relating to information technology access for the blind and visually impaired
- H. B. 160 - Ron Yost Personal Assistance Services Act
- H. B. 161 - Removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions of code related to the School Building Authority
- Com. Sub. for H. B. 162 - Removing antiquated, redundant, or expired provisions of the code for the administration of education
- H. B. 163 - Removing sections of code relating to administration of education
- Com. Sub. for H. B. 174 - Increasing and promoting school innovation and flexibility
- Com. Sub. for H. B. 192 - Removing certain fees for teaching
- Com. Sub. for H. B. 193 - Relating to a statewide school personnel job bank
- H. B. 206 - Relating to public education

HOUSE CALENDAR

Tuesday, June 18, 2019

8th Day

1:00 P. M.

NO BILLS

WEST VIRGINIA HOUSE OF DELEGATES

TUESDAY, JUNE 18, 2019

HOUSE CONVENES AT 1:00 P.M.

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 462M**

**COMMITTEE ON RULES
12:45 P.M. – BEHIND CHAMBER**

WEDNESDAY, JUNE 19, 2019

**PUBLIC HEARING
SELECT COMMITTEE ON EDUCATION REFORM C
8:00 A.M. – HOUSE CHAMBER
H. B. 206, RELATING TO PUBLIC EDUCATION.**

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