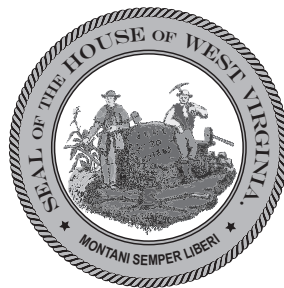


West Virginia Legislature

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March 5, 2019
FIFTY-SIXTH DAY

Tuesday, March 5, 2019

FIFTY-SIXTH DAY

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

The House of Delegates met and 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, March 4, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 632, Improving student safety,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Finance be dispensed with.

Delegate Summers asked unanimous consent that second reference of the bill to the Committee on Finance be dispensed with, which consent was not granted, objection being heard.

Delegate Summers then moved that second reference of the bill to the Committee on Finance be dispensed with, and on this motion, the yeas and nays were taken (**Roll No. 436**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Steele.

So, two thirds of the members present and voting not having voted in the affirmative, the motion did not prevail.

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 329, Relating to agricultural education in high schools,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 329) to the Committee on Finance was abrogated.

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

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

Com. Sub. for S. B. 640, Regulating sudden cardiac arrest prevention,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. J. R. 5, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment,

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

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for S. J. R. 5) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

S. B. 16, Authorizing expenditure of surplus funds by Wyoming County Commission,

Com. Sub. for S. B. 502, Exempting sales of investment metal bullion and coins,

S. B. 535, Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019,

And,

Com. Sub. for S. B. 538, Relating to WV Highway Design-Build Pilot Program,

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

At the respective requests of Delegate Summers, and by unanimous consent, S. B. 535 was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 103, Relating generally to Public Defender Services,

Com. Sub. for S. B. 147, Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities,

Com. Sub. for S. B. 398, Relating to compensation for senior judges,

S. B. 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes,

And,

S. B. 656, Relating to electronic filing of tax returns,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 124, Creating felony offense for actions of cruelty to animals which causes serious injury or death of animal,

Com. Sub. for S. B. 487, Relating to admissibility of health care staffing requirements in litigation,

Com. Sub. for S. B. 603, Exempting certain activities from licensing requirements for engaging in business of currency exchange,

And,

S. B. 669, Allowing appointment of commissioners to acknowledge signatures,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

At the respective requests of Delegate Summers, and by unanimous consent, Com. Sub. for S. B. 487 was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 369, Relating to generic drug products,

And,

Com. Sub. for S. B. 601, Relating to mandatory supervision of adult inmates,

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 5, U. S. Army T/5 Maurice V. Mann Memorial Bridge,

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

Com. Sub. for H. C. R. 5 - "Requesting the Division of Highways name bridge number 32-122-7.94 (32A054) (37.54070, -80.66364), locally known as Indian Creek Bridge #1, carrying W.Va. Route 122 over Indian Creek in Monroe County, the 'U. S. Army T/5 Maurice V. Mann Memorial Bridge',"

H. C. R. 49, U. S. Marine Corps PFC Danny Marshall Memorial Bridge,

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

Com. Sub. for H. C. R. 49 - "Requesting the Division of Highways to name bridge number 54-14-24.76 (54A039), locally known as Big Run Bridge, carrying WV 14 over Big Run in Wood County, the 'U. S. Marine Corps PFC Danny Marshall Memorial Bridge',"

H. C. R. 52, Dr. H. Luke Eye Memorial Bridge,

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

Com. Sub. for H. C. R. 52 - "Requesting the Division of Highways name bridge number 36-33-33.85 (36A165), carrying U. S. Route 33 over the South Branch of the Potomac River in Pendleton County, the 'Dr. H. Luke Eye Memorial Bridge',"

H. C. R. 53, Ray P. Reip Memorial Bridge,

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

Com. Sub. for H. C. R. 53 - "Requesting the Division of Highways name northbound and southbound bridges numbered 04-79-54.18 (04A109, 04A110), locally known as the Co 21 Overpass Bridges, carrying Interstate 79 over County Route 21 in Braxton County, the 'Ray P. Reip Memorial Bridge',"

H. C. R. 55, U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge,

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

Com. Sub. for H. C. R. 55 - "Requesting the Division of Highways name bridge number 18-77-119.86 NB & SB (18A150, 18151) locally known as Goldtown Interchange Bridges, carrying Interstate 77 over County Route 21 and Pocatolico Creek in Jackson County, the 'U. S. Navy Seaman 1st Class Brady William Milam Memorial Bridge',"

H. C. R. 70, Danny Wayne Marks Memorial Bridge,

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

Com. Sub. for H. C. R. 70 - "Requesting the Division of Highways name bridge number: 44-119-9.04 (44A109), locally known as Walton Bridge, carrying U. S. 119 over the Pocatalico River in Roane County, the 'Danny Wayne Marks Memorial Bridge',"

H. C. R. 76, Reverend Lonnie Ramsey Memorial Bridge

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

Com. Sub. for H. C. R. 76 - "Requesting the Division of Highways name bridge Number :04-1-4.02 (04A001), locally known as Orlando Bridge, carrying County Route 1 over Oil Creek in Braxton County, the 'Reverend Lonnie Ramsey Memorial Bridge',"

H. C. R. 79, U. S. Army PFC Homer Jacob Day Memorial Bridge,

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

Com. Sub. for H. C. R. 79 - "Requesting the Division of Highways name bridge number 42-25-0.04 (42A185), locally known as Glenmore Bridge, carrying County Route 25 over Isner Creek in Randolph County, the 'U. S. Army PFC Homer Jacob Day Memorial Bridge',"

And,

H. C. R. 82, U. S. Navy Veteran Samuel H. Slack, Jr. Memorial Bridge,

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

Com. Sub. for H. C. R. 82 - "Requesting the Division of Highways to name bridge number 20-60-22.55 EB & WB (20A346, 20A680), locally known as Campbells Creek Overpass EB & WB, carrying US 60 (EB & WB) over Port Amherst Drive and Railroad in Kanawha County, the 'U. S. Navy GM1 Samuel H. Slack, Jr. Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 5, Com. Sub. for H. C. R. 49, Com. Sub. for H. C. R. 52, Com. Sub. for H. C. R. 53, Com. Sub. for H. C. R. 55, Com. Sub. for H. C. R. 70, Com. Sub. for H. C. R. 76, Com. Sub. for H. C. R. 79 and Com. Sub. for H. C. R. 82) were each referred to the Committee on Rules.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

Com. Sub. for S. C. R. 4, US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road,

Com. Sub. for S. C. R. 28, US Army SP5 James Henry Caruthers Memorial Road,

And,

Com. Sub. for S. C. R. 40, US Army CPL Roy E. Clark Memorial Bridge,

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

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for S. C. R. 4, Com. Sub. for S. C. R. 28 and Com. Sub. for S. C. R. 40) were each referred to the Committee on Rules.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. C. R. 28, Charleston Police Capt. Jerry D. Hill Memorial Bridge,

H. C. R. 46, PVT Jack C. Evans Memorial Bridge,

S. C. R. 5, Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions sign,

S. C. R. 6, US Army SP4 Darrell Gregory Triplett Memorial Bridge,

S. C. R. 9, US Army PFC Winten L. Wayts Memorial Bridge,

S. C. R. 16, US Army SP4 Wilbur Allen Smith Memorial Bridge,

S. C. R. 17, Sardis District Veterans Memorial Bridge,

S. C. R. 20, US Air Force SSGT Ryan David Hammond Memorial Bridge,

S. C. R. 23, Jeffrey Alan Clovis Memorial Bridge,

Com. Sub. for S. C. R. 24, Hazel Dickens Memorial Bridge,

Com. Sub. for S. C. R. 25, US Army PFC Andrew "Bo" Martin Harper Memorial Bridge,

Com. Sub. for S. C. R. 34, US Army SPC Julian Lee Berisford Memorial Bridge,

And,

Com. Sub. for S. C. R. 36, US Army CPL Cory M. Hewitt Memorial Bridge,

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 28, H. C. R. 46, S. C. R. 5, S. C. R. 6, S. C. R. 9, S. C. R. 16, S. C. R. 17, S. C. R. 20, S. C. R. 23, Com. Sub. for S. C. R. 24, Com. Sub. for S. C. R. 25, Com. Sub. for S. C. R. 34 and Com. Sub. for S. C. R. 36) were each referred to the Committee on Rules.

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 4th day of March, 2019, 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. 2036, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park,

And,

Com. Sub. for H. B. 2821, Updating provisions for command, clerical and other pay.

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 5th day of March, 2019, 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:

Com. Sub. for H. B. 2690, Relating to guaranty associations,

H. B. 2746, Relating to administration of estates,

And,

H. B. 2827, Removing the residency requirements for hiring deputy assessors.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2183, Clarifying where a charge of DUI may be brought against an individual.

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 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.

(a) *Definitions-*

(1) 'Impaired state' means a person:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug or inhalant substance;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug;

or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.

(2) 'Bodily Injury' means injury that causes substantial physical pain, illness or any impairment of physical condition.

(3) 'Serious Bodily Injury' means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

(b) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes the death of any person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years and shall be fined not less than \$1,000 nor more than \$3,000: *Provided*, That any death charged under this subsection must occur within one year of the offense.

(c) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than 10 years and shall be fined not less than \$1,000 nor more than \$3,000.

(d) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day more than one year and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than 24 hours: *Provided, however*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle in this state: (i) While he or she is in an impaired state or (ii) while he or she is in an impaired state but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500: *Provided*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who, being a habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(j) Any person under the age of 21 years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for 24 hours and shall be fined not less than \$100 nor more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in §17C-5A-3a of this code. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

A person arrested and charged with an offense under the provisions of this subsection or subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(k) Any person who drives a vehicle in this state while he or she is in an impaired state and has within the vehicle one or more other persons who are unemancipated minors who have not yet reached their 16th birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than 12 months, and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than 48 hours: *Provided, however*, That a person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(l) A person violating any provision of subsection (d), (e), (f), (g), (h), or (j) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

(m) A person violating any provision of subsection (d), (e), (f), (g), (h) or (j) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than five years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

(n) For purposes of subsections (l) and (m) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection (b), (c), (d), (e), (f), (g) or (h) of this section or under a prior enactment of this section for an offense which occurred within the 10-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section, which offense occurred within the 10-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant to §17C-5-2b of this code for violation of subsection (e) of this section, which violation occurred within the 10-year period immediately preceding the date of arrest in the current proceeding.

(o) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to §17C-5-2b of this article.

(p) The fact that any person charged with a violation of subsection (b), (c), (d), (e), (f) or (g) of this section, or any person permitted to drive as described under subsection (h) or (i) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection (b), (c), (d), (e), (f), (g), (h) or (i) of this section.

(q) For purposes of this section, the term 'controlled substance' has the meaning ascribed to it in §60A-1-101 *et seq.* of this code.

(r) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of §62-11A-1 *et seq.* of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided, however*, That the court may impose a term of conditional probation pursuant to §17C-5-2b of this code to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of §62-11B-1 *et seq.* of this code may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided further*, That for any period of home incarceration ordered for a person convicted of a second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of §62-11B-5 of this code: *And provided further*, That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than 10 days of the total period of home confinement ordered and the offender may not leave home for those 10 days notwithstanding §62-11B-5 of this code.

(s) As used in subsections (e), (f), (g), (h), (i), and (j) of this section, the words 'drives a vehicle in this state' do not mean or include driving or operating a vehicle solely and exclusively on one's own property."

And,

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

Com. Sub. for H. B. 2183- “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to driving a vehicle under the influence of alcohol, controlled substances, drugs, or a combination thereof; and clarifying that certain misdemeanor offenses of driving under the influence do not encompass or include operating a vehicle solely and exclusively on one’s own property.”

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. 437**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Hicks.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2183) passed.

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

Having voted on the prevailing side, Delegate Bates moved that the House of Delegates reconsider the vote to dispense with the second reference of Com. Sub. for S. B. 632 to the Committee on Finance, which motion prevailed.

The question being on dispensing with the second reference of Com. Sub. for S. B. 632 to the Committee on Finance, the yeas and nays were taken (**Roll No. 438**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Barrett.

So, two thirds of the members present and voting having voted in the affirmative, second reference of the bill (Com. Sub. for S. B. 632) to the Committee on Finance was abrogated.

A message from the Senate, by

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

Com. Sub. for H. B. 2531, Permitting trained nurses to provide mental health services in a medication-assisted treatment program.

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

On page three, section five, line sixty, after the word “counselor” and the colon, by striking out the word “or”.

And,

On page three, section five, line sixty-two, after the word “specialist”, by changing the period to a semicolon and inserting “or

(8) Be a psychiatry CAQ-certified physician assistant.”

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. 439**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2531) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2609, Relating to presumptions of abandonment and indication of ownership in property.

A message from the Senate, by

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

H. B. 3083, Adding temporary work during the legislative session as exclusion to the term employment for purposes of unemployment compensation.

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. UNEMPLOYMENT COMPENSATION. ARTICLE 1A. DEFINITIONS.

§21A-1A-17. Exclusions from employment.

The term ‘employment’ does not include:

(1) Service performed in the employ of the United States or any instrumentality of the United States exempt under the Constitution of the United States from the payments imposed by this law, except that to the extent that the Congress of the United States permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this law are applicable to the instrumentalities and to service performed for the instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services: *Provided*, That if this state is not certified for any year by the Secretary of Labor under 26 U.S.C. § 3404, subsection (c), the payments required of the instrumentalities with respect to the year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in §21A-5-19 of this code with respect to payments erroneously collected;

(2) Service performed with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act and service with respect to which unemployment benefits are

payable under an unemployment compensation system for maritime employees established by an Act of Congress. The Commissioner may enter into agreements with the proper agency established under an Act of Congress to provide reciprocal treatment to individuals who, after acquiring potential rights to unemployment compensation under an Act of Congress or who have, after acquiring potential rights to unemployment compensation under an act of Congress, acquired rights to benefit under this chapter. Such agreement shall become effective 10 days after the publications which shall comply with the general rules of the Department;

(3) Service performed by an individual in agricultural labor, except as provided in §21A-1A-16(12) of this code, the definition of 'employment'. For purposes of this subdivision, the term 'agricultural labor' includes all services performed:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of the farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of the service is performed on a farm;

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section fifteen (g) of the Agricultural Marketing Act, as amended, as codified in 12 U.S.C. § 1141j, subsection (g), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if the operator produced more than one half of the commodity with respect to which the service is performed; or (ii) in the employ of a group of operators of farms (or a cooperative organization of which the operators are members) in the performance of service described in subparagraph (i) of this paragraph, but only if the operators produced more than one half of the commodity with respect to which the service is performed; but the provisions of subparagraphs (i) and (ii) of this paragraph are not applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(E) On a farm operated for profit if the service is not in the course of the employer's trade or business or is domestic service in a private home of the employer. As used in this subdivision, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animals, truck farms, plantations, ranches, greenhouses, ranges, and nurseries, or other similar land areas or structures used primarily for the raising of any agricultural or horticultural commodities;

(4) Domestic service in a private home except as provided in §21A-1A-16(13) of this code, the definition of 'employment';

(5) Service performed by an individual in the employ of his or her son, daughter, or spouse;

(6) Service performed by a child under the age of 18 years in the employ of his or her father or mother;

(7) Service as an officer or member of a crew of an American vessel, performed on or in connection with the vessel, if the operating office, from which the operations of the vessel operating on navigable waters within or without the United States are ordinarily and regularly supervised, managed, directed, and controlled, is without this state;

(8) Service performed by agents of mutual fund broker-dealers or insurance companies, exclusive of industrial insurance agents, or by agents of investment companies, who are compensated wholly on a commission basis;

(9) Service performed: (A) In the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or (B) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of duties required by the order; or (C) by an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of either: (i) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury; or (ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market: *Provided*, That this exemption does not apply to services performed by individuals if they are not receiving rehabilitation or remunerative work on account of their impaired capacity; or (D) as part of an unemployment work-relief or work-training program assisted or financed, in whole or in part, by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving the work relief or work training; or (E) by an inmate of a custodial or penal institution;

(10) Service performed in the employ of a school, college, or university, if the service is performed: (A) By a student who is enrolled and is regularly attending classes at the school, college, or university; or (B) by the spouse of a student, if the spouse is advised, at the time the spouse commences to perform the service, that: (i) The employment of the spouse to perform the service is provided under a program to provide financial assistance to the student by the school, college, or university; and (ii) the employment will not be covered by any program of unemployment insurance;

(11) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program and the institution has so certified to the employer, except that this subdivision does not apply to service performed in a program established for or on behalf of an employer or group of employers;

(12) Service performed in the employ of a hospital, if the service is performed by a patient of the hospital, as defined in this article;

(13) Service in the employ of a governmental entity referred to in §21A-1A-16(9) of this code, the definition of 'employment', if the service is performed by an individual in the exercise of duties: (A) As an elected official; (B) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision; (C) as an employee serving on a temporary basis for the legislature during, or in support of, the legislative session; (D) as a member of the state National Guard or air National Guard, except as provided in §21A-1A-28 of this code; ~~(D)~~ (E) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; ~~(E)~~ (F) in a position which, under or pursuant to the laws of this state, is designated as: (i) A major nontenured policymaking or advisory position; or (ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week; or ~~(F)~~ (G) as any election official appointed to serve

during any municipal, county, or state election, if the amount of remuneration received by the individual during the calendar year for services as an election official is less than \$1,000;

(14) Service performed by a bona fide partner of a partnership for the partnership; and

(15) Service performed by a person for his or her own sole proprietorship.

Notwithstanding the foregoing exclusions from the definition of 'employment', services, except agricultural labor and domestic service in a private home, are in employment if with respect to the services a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a State Unemployment Compensation Fund, or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act are required to be covered under this chapter."

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 440**), and there were—yeas 72, nays 28, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Lavender-Bowe, Longstreth, Lovejoy, Pethel, Pyles, Robinson, Sponaugle, Staggers, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3083) passed.

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

A message from the Senate, by

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

H. B. 3148, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for S. B. 295, Relating to crimes against public justice.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Hollen, D. Kelly and Miller.

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

A message from the Senate, by

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

Com. Sub. for S. B. 310, Establishing certain requirements for dental insurance.

A message from the Senate, by

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

Com. Sub. for S. B. 408, Determining indigency for public defender services.

A message from the Senate, by

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

Com. Sub. for S. B. 641, Relating to Primary Care Support Program.

Resolutions Introduced

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

H. C. R. 91 - "Requesting the Division of Highways name bridge number :51-20-39.84 (51A084), locally known as Hacker Valley Truss, carrying WV Route 20 over the Left Fork of Holly River in Webster County, the 'U. S. Army SGT. Robert Henry Waggy Memorial Bridge'."

Whereas, Robert Henry Waggy was born on February 23, 1922, in Erbacon, Webster County. He married Anna Lee Mearns. They had two sons, Robert Henry Waggy II and David Linn Waggy; and

Whereas, Robert Henry Waggy enlisted in the Army Air Force and served during World War II with the rank of Sergeant with the 500th Bomb Squadron; and

Whereas, On March 15, 1945, the plane in which SGT. Waggy was serving as an Armorer Gunner was hit by the debris of an enemy ship blowing up under the B-25 Mitchell Bomber causing it to crash into a ridge killing SGT Waggy and four other crew members; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SGT. Robert Henry Waggy for his supreme sacrifice and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number :51-20-39.84 (51A084) (38.65282, 80.38369), locally known as Hacker Valley Truss, carrying WV Route 20 over the Left Fork of Holly River in Webster County, the "U. S. Army SGT. Robert Henry Waggy Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SGT. Robert Henry Waggy Memorial Bridge"; and, be it

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

Delegates Boggs, Sponaugle, Butler, Hartman, Hill, Hardy, Caputo and Barrett offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 92 - "Requesting the Joint Committee on Government and Finance to study the impacts of current sentencing, fines, and punishments for driving under the influence of controlled substances and appropriate means of restoring driving privileges after a program of recovery."

Whereas, The crippling drug epidemic that has descended on this state has multifaceted impacts including causing thousands of state resident drivers to have their license suspended for driving while under the influence of controlled substances, with no way to allow them after recovery to regain limited driving privileges similar to those who lost their license due to alcohol consumption; and

Whereas, Technology has not advanced enough to create alternatives such as driver interlock systems or other protocols used after conviction of driving under the influence of alcohol to benefit both the driver and ensure the safety of other civilians; and

Whereas, Revoking the license of a West Virginian convicted of driving under the influence of a controlled substance for up to five years on a second offense makes it much more burdensome for he/she to get a job, raise a family, take their children to school, and be a productive citizen; and

Whereas, Many citizens reside in communities and regions of West Virginia which do not have public transportation to allow for transportation to and from employment; and

Whereas, Changes in the laws on driving under the influence of controlled substances in West Virginia should be studied to allow convicted West Virginians to regain limited driving privileges more promptly to improve the efficiency of their recovery in a manner that protects the public while allowing persons in recovery to be able to go to work, school, or otherwise necessary activities and therefore return to being a contributing member of our society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the impacts of current sentencing, fines, and punishments for driving under the influence of controlled substances and appropriate means of restoring driving privileges after a program of recovery; and, be it

Further Resolved, That in conducting the study, the committee shall solicit data, information and recommendations from persons with a background and knowledge or experience in drug rehabilitation, criminal law and/or driving under the influence of a controlled substance including, but not limited to, representatives of the Division of Motor Vehicles, the State Police and other law enforcement agencies, rehabilitation specialists, and any other experts in drug abuse, interlock or other technology that would monitor driver impairment; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Special Calendar

Third Reading

Com. Sub. for S. B. 100, Increasing court fees to fund law-enforcement standards training and expenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 441**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: Fast, Hornbuckle, Kump, C. Martin, P. Martin, McGeehan, Paynter, Pushkin, Sponaule and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 100) passed.

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

Com. Sub. for S. B. 100 - "A Bill to amend and reenact §30-29-4 of the Code of West Virginia, 1931, as amended, relating to increasing certain fees used to fund certain law-enforcement training and certification and professional development programs and expenses related thereto; increasing a fee added to the usual court costs of all criminal proceedings; and increasing fee added to the amount of any cash or property bond posted for violation of any criminal law."

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

Com. Sub. for S. B. 101, Equalizing penalties for intimidating and retaliating against certain public officers and other persons; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 442**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 101) passed.

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

Com. Sub. for S. B. 154, Using school facilities for funeral and memorial services for certain community members; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 443**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 154) passed.

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

Com. Sub. for S. B. 154 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13d, relating to the use of school facilities; recognizing schools are integral parts of communities and the death of certain community members can have a significant impact on communities; requiring county board to allow school facilities use for funeral and memorial services of certain community members; permitting county boards to establish process for requesting the use of school facilities for funeral and memorial services; providing that county boards of education are not responsible for additional costs associated with such funeral and memorial services that are held at school facilities; and prohibiting such funeral and memorial services held at school facilities from disrupting or interfering with classroom instruction, scheduled school event or activity, or governmental use."

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

Com. Sub. for S. B. 163, Authorizing DEP promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 444**), and there were—yeas 78, nays 22, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Campbell, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Pushkin, Pyles, Rohrbach, Rowe, Sponaugle, Staggers, C. Thompson, Walker and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 163) passed.

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

On this question, the yeas and nays were taken (**Roll No. 445**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Doyle, Estep-Burton, Fleischauer, Hansen, Pushkin, Pyles, Staggers, C. Thompson and Walker.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 163) takes effect from its passage.

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

Com. Sub. for S. B. 175, Authorizing DHHR promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 446**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 175) passed.

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

On this question, the yeas and nays were taken (**Roll No. 447**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 175) takes effect from its passage.

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

S. B. 190, DOH rule relating to employment procedures; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 448**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 190) passed.

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

On this question, the yeas and nays were taken (**Roll No. 449**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 190) takes effect from its passage.

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

Com. Sub. for S. B. 223, Authorizing Department of Commerce promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

Delegate Householder requested to be excused from voting on Com. Sub. for S. B. 223 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 450**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 223) passed.

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

On this question, the yeas and nays were taken (**Roll No. 451**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 223) takes effect from its passage.

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

Com. Sub. for S. B. 237, Improving ability of law enforcement to locate and return missing persons; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 452**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 237) passed.

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

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 453**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 316) passed.

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

Com. Sub. for S. B. 316 - "A Bill to amend and reenact §8-22-27a of the Code of West Virginia, 1931, as amended, relating to the corrections of overpayments made to retirants or beneficiaries of retirants; authorizing municipalities to continue certain overpayments; and authorizing a municipality to appoint additional members to a firemen's or a policemen's pension and relief fund board."

Com. Sub. for S. B. 330, Requiring contact information be listed on agency's online directory and website; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 454**), and there were—yeas 100, nays none, absent and not voting none.

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

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

Com. Sub. for S. B. 330 - "A Bill to amend and reenact §5F-1-5 of the Code of West Virginia, 1931, as amended, relating to certain contact information being listed on the online state phone directory; clarifying the listing requirements to include employee job title and agency-provided mobile phone number; providing an exemption for listing mobile phone information; and requiring the information to be posted on the agency website."

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

Com. Sub. for S. B. 344, Relating to operation of state-owned farms; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 455**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 344) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 456**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 344) takes effect from passage.

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

Com. Sub. for S. B. 360, Relating to third-party litigation financing; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 457**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Jennings, Kump, Malcolm, McGeehan and Paynter.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 360) passed.

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

Com. Sub. for S. B. 373, Relating to financial responsibility of inmates; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 458**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 373) passed.

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

Com. Sub. for S. B. 481, Relating to Judicial Vacancy Advisory Commission; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 459**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 481) passed.

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

Com. Sub. for S. B. 481 - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended, relating to the Judicial Vacancy Advisory Commission; altering the in-state residency requirements for members of the commission; providing that no more than four of its appointed members may be residents of the same congressional district; providing further that if the number of congressional districts is reduced to two that no more than three of its appointed members may be residents of the same congressional district; providing that no more than two of its appointed members may be residents of the same state senatorial district; clarifying that current commission members will not be disqualified from serving for the remainder of their terms based on amendments to in-state residency requirements; and deleting obsolete language.”

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

Com. Sub. for S. B. 491, Extending effective date for voter registration in conjunction with driver licensing; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 460**), and there were—yeas 61, nays 38, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Foster.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 491) passed.

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

Com. Sub. for S. B. 491 - “A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating generally to automatic voting registration through the Division of Motor Vehicles; adding United States citizenship status to information that applicants must provide; requiring the Division of Motor Vehicles to develop a regular process by January 1, 2020 that allows the Secretary of State to fulfill his or her duties as provided by §3-2-3 of this code to confirm that persons who are non-citizens of the United States have not and cannot register to vote via the Online Voter Registration portal; delaying the effective date for automatic voter registration in conjunction with certain Division of Motor Vehicle transactions until July 1, 2021; and requiring the Division of Motor Vehicles, the Department of Transportation, and the Secretary of State to file certain reports with and appear before the Joint Committee on Government and Finance and the Joint Standing Committee on the Judiciary during the first interim meetings occurring after September 1, 2019.”

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

On this question, the yeas and nays were taken (**Roll No. 461**), and there were—yeas 83, nays 17, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, S. Brown, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hornbuckle, Lavender-Bowe, Longstreth, Rowe, Sponaugle, Walker and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 491) takes effect from its passage.

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

S. B. 519, Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 462**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 519) passed.

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

Delegate Summers asked and obtained unanimous consent to return to further consideration of Com. Sub. for S. B. 316.

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

On this question, the yeas and nays were taken (**Roll No. 463**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 316) takes effect from its passage.

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

S. B. 531, Relating generally to workers' compensation claims; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 464**), and there were—yeas 64, nays 35, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Staggers, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 531) passed.

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

S. B. 531 - "A Bill to amend and reenact §23-5-7 of the Code of West Virginia, 1931, as amended, relating to compromise and settlement of certain workers' compensation claims; and providing that occupational hearing loss and hearing impairment claims are not nonorthopedic occupational disease claims for the purpose of the requirement that a claimant be represented by counsel in a settlement for medical benefits."

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

Com. Sub. for S. B. 624, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 465**), and there were—yeas 86, nays 14, absent and not voting none, with the nays being as follows:

Nays: S. Brown, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, Lavender-Bowe, Pushkin, Pyles, Rowe, C. Thompson, Toney, Walker and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 624) passed.

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

Com. Sub. for S. B. 624 - "A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to allowing county boards of education to use alternative assessment pursuant to the locally selected assessment option provided for in the Every Student Succeeds Act; requiring per-student costs for delivery and administration of alternative assessment equal to per-student assessment costs in statewide assessment contract; making department responsible for costs of collecting and submitting evidence to satisfy requirements in federal law and regulation; providing for alignment study if needed that uses certain approach and includes various test forms; and making technical corrections."

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

On this question, the yeas and nays were taken (**Roll No. 466**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Fleischauer, Hansen, Pyles, C. Thompson, Walker and Williams.

Absent and Not Voting: Lavender-Bowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 624) takes effect from its passage.

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

S. B. 664, Authorizing certain members of federal judiciary perform marriages; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 467**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Wilson.

Absent and Not Voting: Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 664) passed.

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

On this question, the yeas and nays were taken (**Roll No. 468**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Wilson.

Absent and Not Voting: Lavender-Bowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 664) takes effect from its passage.

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

S. B. 667, Creating WV Motorsport Committee; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 469**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Byrd, McGeehan, Pushkin and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 667) passed.

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

Second Reading

Com. Sub. for S. B. 1, Increasing access to career education and workforce training; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk on page one, after the enacting clause, striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.**§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.**

(a) The state board shall promulgate rules for the accreditation, classification, and standardization of all schools in the state, except institutions of higher education, and shall determine the minimum standards for granting diplomas, advanced certifications, and certificates of proficiency by those schools.

(1) The certificates of proficiency shall include specific information regarding the graduate's skills, competence, and readiness for employment, or honors and advanced education and shall be granted, along with the diploma, to every eligible high school graduate.

(2) The certificate of proficiency shall include the program of study major completed by the student only for those students who have completed the required major courses, or higher level courses, advanced placement courses, college courses, or other more rigorous substitutes related to the major, and the recommended electives.

(3) Students who have completed a secondary education program in a public, private, or home school and have continued to be enrolled in a program leading to an advanced certification or an advanced career education program shall be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code: *Provided*, That the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education, the Chancellor of the Higher Education Policy Commission, and the Secretary of the Department of Commerce may designate additional programs that provide valuable workplace credentials and students enrolled in such programs shall also be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code.

(b) An institution of less than collegiate or university status may not grant any diploma or certificate of proficiency on any basis of work or merit below the minimum standards prescribed by the state board.

(c) A charter or other instrument containing the right to issue diplomas or certificates of proficiency may not be granted by the State of West Virginia to any institution or other associations or organizations of less than collegiate or university status within the state until the condition of granting or issuing the diplomas or other certificates of proficiency has first been approved in writing by the state board.

(d) The state board shall promulgate a rule for the approval of alternative education programs for disruptive students who are at risk of not succeeding in the traditional school structure.

(1) This rule may provide for the waiver of other policies of the state board, the establishment and delivery of a nontraditional curriculum, the establishment of licensure requirements for alternative education program teachers, and the establishment of performance measures for school accreditation.

(2) This rule shall provide uniform definitions of disruptive student behavior and uniform standards for the placement of students in alternative settings or providing other interventions including referrals to local juvenile courts to correct student behavior so that they can return to a regular classroom without engaging in further disruptive behavior.

(e) The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors so they can return to the regular classroom without further disrupting the learning environment. The state board shall report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and by December 1 in each year after that for the duration of the pilot projects on the effect of the projects on maintaining student discipline.

(f) If a student attends an approved alternative education program or the Mountaineer Challenge Academy, which is designated as a special alternative education program pursuant to §15-1B-24 of this code, and the student graduates or passes the ~~General Equivalency Development~~ high school equivalency tests within five years of beginning ninth grade, that student shall be considered graduated for the purposes of calculating the high school graduation rate used for school accreditation and school system approval, subject to the following:

(1) The student shall be considered graduated only to the extent that this is not in conflict with any provision of federal law relating to graduation rates;

(2) If the state board determines that this is in conflict with a provision of federal law relating to graduation rates, the state board shall request a waiver from the United States Department of Education; and

(3) If the waiver is granted, notwithstanding the provisions of §18-2-6(f)(1) of this code, the student graduating or passing the ~~General Educational Development~~ high school equivalency tests within five years shall be considered graduated.

(g) The state board shall promulgate a rule to support the operation of the National Guard Youth Challenge Program operated by the Adjutant General and known as the Mountaineer Challenge Academy which is designated as a special alternative education program pursuant to §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school structure. The rule shall set forth policies and procedures applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the following:

(1) Implementation of provisions set forth in §15-1B-24 of this code;

(2) Precedence of the policies and procedures designated by the National Guard Bureau for the operation of the Mountaineer Challenge Academy special alternative education program;

(3) Consideration of a student participating in the Mountaineer Challenge Academy special alternative education program at full enrollment status in the referring county for the purposes of funding and calculating attendance and graduation rates, subject to the following:

(A) The student shall be considered at full enrollment status only for the purposes of calculating attendance and graduation rates to the extent that this is not in conflict with any provision of federal law relating to attendance or graduation rates;

(B) If the state board determines that this is in conflict with a provision of federal law relating to attendance or graduation rates, the state board shall request a waiver from the United States Department of Education;

(C) If the waiver is granted, notwithstanding the provisions of §18-2-6(g)(3)(A) of this code, the student shall be considered at full enrollment status in the referring county for the purposes of calculating attendance and graduation rates; and

(D) Consideration of the student at full enrollment status in the referring county is for the purposes of funding and calculating attendance and graduation rates only. For any other purpose, a student participating in the academy is considered withdrawn from the public school system;

(4) Articulation of the knowledge, skills, and competencies gained through alternative education so that students who return to regular education may proceed toward attainment or may attain the standards for graduation without duplication;

(5) Consideration of eligibility to take the ~~General Educational Development~~ high school equivalency tests by qualifying within the extraordinary circumstances provisions established by state board rule for a student participating in the Mountaineer Challenge Academy special alternative education program who does not meet any other criteria for eligibility; and

(6) Payment of tuition by a county board to the Mountaineer Challenge Academy for each student graduating from the academy with a high school diploma that resides in that county board's school district. For purposes of this subdivision, 'tuition' means an amount equal to 75 percent of the amount allotted per pupil under the school aid formula.

(h) Nothing in this section or the rules promulgated under this section compels the Mountaineer Challenge Academy to be operated as a special alternative education program or to be subject to any other laws governing the public schools except by its consent.

(i) The Legislature makes the following findings regarding students at risk:

(1) *Defeated and discouraged learners.* —

(A) Any child who is unlikely to graduate on schedule with both the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs, and personal relationships may be defined as being an at-risk student;

(B) Problems associated with students at risk often begin for them in the early grades as they gradually fall further behind in the essential skills of reading, writing, and math;

(C) These problems may be accompanied by such behavior patterns as poor attendance, inattentiveness, negative attitudes, and acting out in class. These patterns are both symptoms of and added catalysts for students to become increasingly defeated and discouraged learners;

(D) By the middle grades, students with growing skill deficits usually know they are behind other students and have good reason to feel discouraged. A growing lack of self-confidence and self-worth, limited optimism for the future, avoidance of school and adults, and a dimming view of the relationship between effort and achievement are among the characteristics of defeated and discouraged learners;

(E) Public schools are expected to address the needs of all students, minimizing the likelihood that they will become at risk and giving additional attention to those who do; however, the circumstances involved with a ~~child~~ becoming at risk often are complex and may include influences both within and outside of the school environment; and

(F) In fragile homes, a child who is at risk and is becoming a discouraged and defeated learner often lacks adequate support and may develop peer relationships that further exacerbate the difficulty of reengaging him or her in learning, school, and responsible social behavior.

(2) The Legislature further finds that the public schools should not be deterred from seeking and assisting with enrollment of students in an alternative program that helps remedy the discouragement, lessens skill deficits, and facilitates a successful return to public school.

(i) For this purpose, subject to approval of the county superintendent, a student enrolled in the public schools of the county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

(1) The alternative program is approved by the state board;

(2) The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;

(3) The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;

(4) The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in activities that help address the challenging issues that have hindered the student's engagement and progress in learning;

(5) The alternative program includes an on-site boarding option for students;

(6) The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and

(7) The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-11. Advanced Career Education.

(a) The Legislature hereby makes the following findings:

(1) Preparing West Virginia students to achieve post-secondary career education and to excel in the workforce is a responsibility shared among all state education agencies and institutions. The state's education agencies and institutions can fulfill this responsibility by establishing partnerships that enable students to attain advanced career education and valuable workforce skills in a more efficient and advantageous manner;

(2) The formation of partnerships between public secondary schools and community and technical colleges or public baccalaureate institutions which establish advanced career education programs would ensure that a full range of community and technical college programs and services are provided in all areas of the state;

(3) Programs which create clear and efficient pathways that begin during secondary education and lead to obtaining advanced certifications and associate degrees will increase the number of students that ultimately obtain a post-secondary credential or degree; and

(4) West Virginia's economic prosperity is directly tied to the level and quality of its workforce career education. Providing the students of this state with increased access to career education will

not only improve the general well-being of its citizens, but greatly enhance the economic prosperity of the state.

(b) The purpose of this section and the Advanced Career Education (ACE) programs authorized herein is to connect secondary schools with community and technical colleges or public baccalaureate institutions that provide associate degrees to accomplish the following:

(1) Prepare secondary students for success in post-secondary education and the workforce; and

(2) Provide more opportunities for secondary students to earn post-secondary college credits, certifications, and associate degrees.

(c) To effectuate the purposes set forth in §18-2E-11(b) of this code, community and technical colleges, public baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall establish partnerships that provide for ACE programs which feature defined pathways that begin when a student is in secondary education and that ultimately lead to advanced certifications or associate degrees awarded by community and technical colleges or baccalaureate institutions. ACE programs shall be equally available to public, nonpublic, and homeschool students.

(d) ACE programs shall include pathways that consist of a curriculum of courses leading to advanced certifications or an associate degree that have been deemed to satisfy a workforce need as determined by the Department of Commerce.

(1) The Department of Commerce shall, on occasion, but at least annually, provide written notification to the State Board of Education, the West Virginia Council for Community and Technical College Education and the West Virginia Higher Education Policy Commission of a determination of areas of workforce need within the state.

(2) The Department of Commerce, in consultation with the council, the commission and business partners, will develop a hierarchy of high demand skilled professions and workforce needs with shortages. The program will issue the funds to community and technical colleges or public baccalaureate institutions for students pursuing certificates or associate degrees that apply directly to those fields.

(e) The State Superintendent of Schools, the Chancellor of the Council for Community and Technical College Education, and the Chancellor of the Higher Education Policy Commission, or their designees, shall facilitate the ACE programs. At a minimum, an ACE program shall satisfy the following objectives:

(1) Provide additional opportunities to students in this state to attain advanced certifications and college credentials leading to associate degrees through ACE pathways;

(2) Increase the number of students in this state that attain advanced certifications and college credentials leading to associate degrees through ACE pathways;

(3) Allow students in this state to attain advanced certifications and college credentials leading to associate degrees through ACE pathways at little or no cost;

(4) Ensure that ACE pathways provide a clear roadmap to the courses and requirements necessary to attain advanced certifications and college credentials leading to associate degrees; and

(5) Ensure that course requirements within ACE pathways are not duplicated.

(f) The board and council shall jointly promulgate guidelines for the administration of ACE programs and pathways, which must be affirmatively adopted by the board and the council. At a minimum, such guidelines shall provide for the following:

(1) That ACE program partnerships established between community and technical colleges, public baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall be reduced to written partnership agreements;

(2) The information required to be contained within partnership agreements;

(3) That ACE programs and pathways must meet the requirements of the accrediting entity for the community and technical college or public baccalaureate institution awarding the associate degrees or advanced certificates;

(4) That partnership agreements shall be approved by the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education and the Chancellor of the Higher Education Policy Commission; and

(5) Any other provisions necessary to effectuate the purposes of this section.

(g) The board and the council shall maintain and annually report to the Governor and the Legislative Oversight Commission on Education Accountability the following information about ACE programs:

(1) The identity and number of partnership agreements;

(2) The ACE programs and pathways that are being utilized by career technical education centers, county boards of education, community and technical colleges, and public baccalaureate institutions; and

(3) The nature and number of degrees and certifications awarded to students participating in ACE programs by each community and technical college, public baccalaureate institution and career technical education center.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions.

For the purpose of this article:

(a) 'State board' means the West Virginia Board of Education.

(b) 'County board' or 'board' means a county board of education.

(c) 'Professional salaries' means the state legally mandated salaries of the professional educators as provided in §18A-4-1 *et seq.* of this code.

(d) 'Professional educator' shall be synonymous with and shall have the same meaning as 'teacher' as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) 'Professional instructional personnel' means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A professional

educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

(f) 'Professional student support personnel' means a 'teacher' as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

(g) 'Service personnel salaries' means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

(h) 'Service personnel' means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or fewer per day as provided in §18A-4-8a of this code shall be calculated as one-half an employment day.

(i) 'Net enrollment' means the number of pupils enrolled in special education programs, kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in regular secondary vocational programs ~~existing as of the effective date of this section~~, subject to the following:

(A) Net enrollment includes no more than ~~one thousand~~ 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency: *Provided*, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code; and

(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) ~~No pupil shall~~ A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and ~~no pupil shall~~ a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than 1,400, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) If the increase in net enrollment as determined under this subdivision plus the county's net enrollment as determined under all other provisions of this subsection is greater than 1,400, the increase in net enrollment shall be reduced so that the total does not exceed 1,400; and

(D) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether or not these provisions properly address the needs of counties with low enrollment and a sparse population density.

(j) 'Sparse-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is less than five.

(k) 'Low-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than five but less than 10.

(l) 'Medium-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than 10 but less than 20.

(m) 'High-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than 20.

(n) 'Levies for general current expense purposes' means 90 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

(o) 'Technology integration specialist' means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.

(p) 'State aid eligible personnel' means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution, or other specific funding source not listed.

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

§18C-9-1. Short title.

This article shall be known and may be cited as the WV Invests Grant Program.

§18C-9-2. Legislative findings and purpose.

(a) The Legislature hereby finds and declares that:

(1) Every West Virginian should have access to education and training that will lead directly to quality employment opportunities within the state. In order for West Virginia to retain and attract business and industry, it must ensure that its workforce has such education and training;

(2) West Virginia currently faces a human capital crisis, as the state regularly ranks amongst the lowest states in the nation in workforce participation rates. Improving the state's workforce participation rates and the level of the workforce's career education is critical to economic development and making West Virginia a more prosperous state;

(3) The 2017 West Virginia Forward Report, a strategy for economic development and job growth, found that 'investments in improving human capital are considered the most significant opportunity for improvement in West Virginia, especially because access to a specialized workforce is a significant factor for investment attraction...';

(4) According to the United States Department of Labor's Bureau of Labor Statistics, the median yearly earnings of an individual with an associate's degree is approximately \$6,604 more than an individual with only a high school diploma. Therefore, any investment by the state into a citizen obtaining such a degree would be repaid multiple times over through the citizen's increased contributions to the economy and tax base;

(5) West Virginia is currently facing a devastating drug epidemic, and the hope that comes with increased access to career education and higher quality employment opportunities is an indispensable tool against the spread of drug addiction; and

(6) An investment by the state into increasing access to post-secondary career education will provide its citizens the hope and opportunity for better career opportunities, and provide the state with the trained workforce needed to attract significant economic development.

(b) The purpose of this article is to provide West Virginians with hope and economic prosperity by increasing access to a higher level of career education that is needed to fulfill the needs of today's workforce and provide for further economic development.

§18C-9-3. Definitions.

As used in this article:

'Council' means the West Virginia Council for Community and Technical College Education;

'Commission' means the West Virginia Higher Education Policy Commission;

'Eligible institution' means a public community and technical college under the authority of the West Virginia Council for Community and Technical College Education or a public baccalaureate institution that grants associate degrees satisfying the requirements of participating in Advanced Career Education (ACE) program partnerships in accordance with §18-2E-11 of this code;

'Eligible post-secondary program' means a curriculum of courses leading to a certificate or associate degree at an eligible institution which satisfies a course of study that has been deemed by the Department of Commerce to satisfy a workforce need as determined by the department in accordance with §18-2E-11(d) of this code; and

'Tuition' means the semester or term charges imposed by an eligible institution and, additionally, all mandatory fees required as a condition of enrollment by all students.

§18C-9-4. WV Invests Grant Program.

(a) There is hereby created a grant program known as the WV Invests Grant Program, which shall be administered by the vice chancellor for administration in accordance with this article.

(b) The council shall award WV Invests Grants pursuant to the following terms and conditions:

(1) A WV Invests Grant may only be awarded to applicants satisfying the requirements provided in §18C-9-5 of this code;

(2) The maximum amount of a WV Invests Grant shall be the cost of tuition charged to all students for coursework leading to completion of the chosen associate degree or certificate, less all other state and federal scholarships and grants for which the student is eligible. All other state and federal scholarships and grants for which the grant recipient is eligible shall be deducted from the amount of the WV Invests Grant for each individual student. The amount of a WV Invests Grant at an eligible public baccalaureate institution shall not exceed the average cost of tuition and mandatory fees of the community and technical colleges.

(3) Grant payments shall be made directly to the eligible institutions;

(4) If a grant recipient transfers from one eligible institution to another, the grant is transferable only with approval of the vice chancellor for administration;

(5) A WV Invests Grant may be used at any eligible institution to seek an associate degree or certificate in an eligible post-secondary program. An institution is not required to accept a grant recipient for enrollment and may enforce its own admission requirements, standards, and policies; and

(6) If a WV Invests Grant recipient terminates enrollment for any reason during the academic year, the unused portion of the grant shall be returned by the institution to the council in accordance with the council's policy for issuing refunds. The council shall transfer such funds to the WV Invests Fund for allocation and expenditure.

(c) On or before January 1 annually, the council shall provide to the Legislature and the Governor a report on the WV Invests Grant Program, which shall include, but not be limited to, research and data concerning student success and grant retention.

(d) The council shall propose legislative rules for legislative approval pursuant to §29A-3A-1 et seq. of this code to implement the provisions of this article, which shall provide for:

(1) Application requirements and deadlines fully implementing requirements of this article;

(2) Appeal procedures for the denial or revocation of the grant; and

(3) Any other provisions necessary to effectuate the purposes of this article.

(e) The Legislature hereby declares that an emergency situation exists and, therefore, the council may establish, by emergency rule, under the procedures of §29A-3A-1 et seq. of this code, a rule to implement the provisions of this article.

(f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any appropriation by the Legislature to support and or alleviate the cost to citizens in this state to obtain advanced certifications and associate degrees shall only be distributed to those community and technical colleges or public baccalaureate institutions that form one or more partnerships to establish ACE programs and pathways. Once distributed, such funds may be used to support any eligible post-secondary program or pathway provided by an eligible institution leading to the award of such degree or certification.

§18C-9-5. Eligibility requirements; agreements.

(a) To be eligible for a WV Invests Grant, an individual must satisfy the following requirements:

(1) Be a citizen or legal resident of the United States and have been a resident of West Virginia for at least one year immediately preceding the date of application for a grant;

(2) Have completed a secondary education program in a public, private, or home school;

(3) Have not been previously awarded a post-secondary degree;

(4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age may qualify for the grant upon completion of a secondary education program in a public, private, or home school;

(5) Meet the admission requirements of, and be admitted into, an eligible institution;

(6) Satisfactorily meet any additional qualifications of enrollment, academic promise, or achievement as established by the council through rule;

(7) Have filed a completed free application for federal student aid for the academic year in which the grant award is sought;

(8) Be enrolled in an eligible post-secondary program;

(9) Be enrolled in at least six credit hours per semester;

(10) Have completed a WV Invests Grant application as provided by the council in accordance with a schedule established by the council; and

(11) Have, prior to the start of each semester, satisfactorily passed a drug test administered by the eligible institution: *Provided*, That the applicant shall be responsible for the actual cost of the drug test.

(b) Each grant may be renewed until the course of study is completed as long as the following qualifications, as determined by the vice chancellor for administration and the council, are satisfied:

(1) Maintaining satisfactory academic standing, including a cumulative grade point average of at least 2.0;

(2) Making adequate progress toward completion of the eligible post-secondary program;

(3) Satisfactory participation in a community service program authorized by the council The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for the administration of community service requirements, including, but not limited to, requiring completion

of at least eight hours of unpaid community service during the time of study, which may include, but is not limited to, participating with nonprofit, governmental, institutional, or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents, or foster civic responsibility;

(4) Continued satisfaction of eligibility requirements provided by §18C-9-5(a) of this code; and

(5) Satisfaction of any additional eligibility criteria established by the council through legislative rule.

(c) Each recipient of a WV Invests Grant shall enter into an agreement with the vice chancellor for administration, which shall require repayment of an amount of the grant or grants awarded to the recipient, in whole or in part, if a recipient chooses to reside outside the state within two years following obtainment of the degree or certificate for which the grant or grants were awarded. The council may not require a recipient to repay grants, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the grant award. Each WV Invests Grant agreement shall include the following:

(1) Disclosure of the full terms and conditions under which assistance under this article is provided and under which repayment may be required; and

(2) A description of the appeals procedure required to be established under this article.

(d) WV Invests Grant recipients found to be in noncompliance with the agreement entered into under §18C-9-5(c) of this code shall be required to repay the amount of the grant awards received, plus interest, and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed in rules promulgated by the council. The council shall also provide for proration of the amount to be repaid by a recipient who maintains employment in the state for a period of time within the time period required under §18C-9-5(c) of this code.

(e) A recipient is not in violation of an agreement entered into pursuant to §18C-9-5(c) of this code during any period in which the recipient is meeting any of the following conditions:

(1) Pursuing a half-time course of study at an accredited institution of higher education;

(2) Serving as a member of the armed services of the United States;

(3) Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician; or

(4) Satisfying the provisions of any additional repayment exemptions prescribed by the council through rule.

§18C-9-6. WV Invests Fund; established.

(a) The WV Invests Fund is hereby created in the State Treasury as a special revenue account. The fund shall be administered by the vice chancellor for administration and may consist of:

(1) All appropriations by the Legislature for the WV Invests Fund;

(2) Any gifts, grants, or contributions received for the WV Invests Fund; and

(3) All interest or other income earned from investment of the WV Invests Fund.

(b) The WV Invests Fund shall be expended for the purpose of administering the WV Invests Grant Program, including the awarding of grants authorized by this article. Any funds remaining in the fund at the close of the fiscal year are carried forward for use in the next fiscal year.

(c) Nothing in this section requires any specific level of funding by the Legislature nor guarantees or entitles any individual to any benefit or grant of funds.”

There being two conflicting amendments and the adoption of one precluding adoption of the other, the Speaker informed the House that, in the absence of objection, both would be presented before the first was voted upon.

Delegates Doyle, Hornbuckle, Zukoff, Lavender-Bowe, Estep-Burton, Evans, Campbell, C. Thompson, R. Thompson and Rodighiero moved to amend the Committee on Finance amendment on page one, by striking out all of the amendment recommended by the Committee on Finance and inserting in lieu thereof, the following:

“CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-6. Classification and standardization of schools; standards for degrees and diplomas; certificates of proficiency; establishment of alternative education programs.

(a) The state board shall promulgate rules for the accreditation, classification, and standardization of all schools in the state, except institutions of higher education, and shall determine the minimum standards for granting diplomas, advanced certifications, and certificates of proficiency by those schools.

(1) The certificates of proficiency shall include specific information regarding the graduate’s skills, competence, and readiness for employment, or honors and advanced education and shall be granted, along with the diploma, to every eligible high school graduate.

(2) The certificate of proficiency shall include the program of study major completed by the student only for those students who have completed the required major courses, or higher level courses, advanced placement courses, college courses, or other more rigorous substitutes related to the major, and the recommended electives.

(3) Students who have completed a secondary education program in a public, private, or home school and have continued to be enrolled in a program leading to an advanced certification or an advanced career education program shall be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code: *Provided*, That the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education, the Chancellor of the Higher Education Policy Commission, and the Secretary of the Department of Commerce may designate additional programs that provide valuable workplace credentials and students enrolled in such programs shall also be considered adults enrolled in regular secondary programs in accordance with §18-9A-2(i) of this code.

(b) An institution of less than collegiate or university status may not grant any diploma or certificate of proficiency on any basis of work or merit below the minimum standards prescribed by the state board.

(c) A charter or other instrument containing the right to issue diplomas or certificates of proficiency may not be granted by the State of West Virginia to any institution or other associations or

organizations of less than collegiate or university status within the state until the condition of granting or issuing the diplomas or other certificates of proficiency has first been approved in writing by the state board.

(d) The state board shall promulgate a rule for the approval of alternative education programs for disruptive students who are at risk of not succeeding in the traditional school structure.

(1) This rule may provide for the waiver of other policies of the state board, the establishment and delivery of a nontraditional curriculum, the establishment of licensure requirements for alternative education program teachers, and the establishment of performance measures for school accreditation.

(2) This rule shall provide uniform definitions of disruptive student behavior and uniform standards for the placement of students in alternative settings or providing other interventions including referrals to local juvenile courts to correct student behavior so that they can return to a regular classroom without engaging in further disruptive behavior.

(e) The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students to learn appropriate behaviors so they can return to the regular classroom without further disrupting the learning environment. The state board shall report to the Legislative Oversight Commission on Education Accountability by December 1, 2010, on its progress in establishing the pilot projects and by December 1 in each year after that for the duration of the pilot projects on the effect of the projects on maintaining student discipline.

(f) If a student attends an approved alternative education program or the Mountaineer Challenge Academy, which is designated as a special alternative education program pursuant to §15-1B-24 of this code, and the student graduates or passes the ~~General Equivalency Development~~ high school equivalency tests within five years of beginning ninth grade, that student shall be considered graduated for the purposes of calculating the high school graduation rate used for school accreditation and school system approval, subject to the following:

(1) The student shall be considered graduated only to the extent that this is not in conflict with any provision of federal law relating to graduation rates;

(2) If the state board determines that this is in conflict with a provision of federal law relating to graduation rates, the state board shall request a waiver from the United States Department of Education; and

(3) If the waiver is granted, notwithstanding the provisions of §18-2-6(f)(1) of this code, the student graduating or passing the ~~General Educational Development~~ high school equivalency tests within five years shall be considered graduated.

(g) The state board shall promulgate a rule to support the operation of the National Guard Youth Challenge Program operated by the Adjutant General and known as the Mountaineer Challenge Academy which is designated as a special alternative education program pursuant to §15-1B-24 of this code for students who are at risk of not succeeding in the traditional school structure. The rule shall set forth policies and procedures applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the following:

(1) Implementation of provisions set forth in §15-1B-24 of this code;

(2) Precedence of the policies and procedures designated by the National Guard Bureau for the operation of the Mountaineer Challenge Academy special alternative education program;

(3) Consideration of a student participating in the Mountaineer Challenge Academy special alternative education program at full enrollment status in the referring county for the purposes of funding and calculating attendance and graduation rates, subject to the following:

(A) The student shall be considered at full enrollment status only for the purposes of calculating attendance and graduation rates to the extent that this is not in conflict with any provision of federal law relating to attendance or graduation rates;

(B) If the state board determines that this is in conflict with a provision of federal law relating to attendance or graduation rates, the state board shall request a waiver from the United States Department of Education;

(C) If the waiver is granted, notwithstanding the provisions of §18-2-6(g)(3)(A) of this code, the student shall be considered at full enrollment status in the referring county for the purposes of calculating attendance and graduation rates; and

(D) Consideration of the student at full enrollment status in the referring county is for the purposes of funding and calculating attendance and graduation rates only. For any other purpose, a student participating in the academy is considered withdrawn from the public school system;

(4) Articulation of the knowledge, skills, and competencies gained through alternative education so that students who return to regular education may proceed toward attainment or may attain the standards for graduation without duplication;

(5) Consideration of eligibility to take the ~~General Educational Development~~ high school equivalency tests by qualifying within the extraordinary circumstances provisions established by state board rule for a student participating in the Mountaineer Challenge Academy special alternative education program who does not meet any other criteria for eligibility; and

(6) Payment of tuition by a county board to the Mountaineer Challenge Academy for each student graduating from the academy with a high school diploma that resides in that county board's school district. For purposes of this subdivision, 'tuition' means an amount equal to 75 percent of the amount allotted per pupil under the school aid formula.

(h) Nothing in this section or the rules promulgated under this section compels the Mountaineer Challenge Academy to be operated as a special alternative education program or to be subject to any other laws governing the public schools except by its consent.

(i) The Legislature makes the following findings regarding students at risk:

(1) *Defeated and discouraged learners.* —

(A) Any child who is unlikely to graduate on schedule with both the skills and self-esteem necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs, and personal relationships may be defined as being an at-risk student;

(B) Problems associated with students at risk often begin for them in the early grades as they gradually fall further behind in the essential skills of reading, writing, and math;

(C) These problems may be accompanied by such behavior patterns as poor attendance, inattentiveness, negative attitudes, and acting out in class. These patterns are both symptoms of and added catalysts for students to become increasingly defeated and discouraged learners;

(D) By the middle grades, students with growing skill deficits usually know they are behind other students and have good reason to feel discouraged. A growing lack of self-confidence and self-worth, limited optimism for the future, avoidance of school and adults, and a dimming view of the relationship between effort and achievement are among the characteristics of defeated and discouraged learners;

(E) Public schools are expected to address the needs of all students, minimizing the likelihood that they will become at risk and giving additional attention to those who do; however, the circumstances involved with a child becoming at risk often are complex and may include influences both within and outside of the school environment; and

(F) In fragile homes, a child who is at risk and is becoming a discouraged and defeated learner often lacks adequate support and may develop peer relationships that further exacerbate the difficulty of reengaging him or her in learning, school, and responsible social behavior.

(2) The Legislature further finds that the public schools should not be deterred from seeking and assisting with enrollment of students in an alternative program that helps remedy the discouragement, lessens skill deficits, and facilitates a successful return to public school.

(i) For this purpose, subject to approval of the county superintendent, a student enrolled in the public schools of the county may continue to be enrolled while also enrolled in an alternative program subject to the following conditions:

(1) The alternative program is approved by the state board;

(2) The student meets the general description of an at-risk student and exhibits behaviors and characteristics associated with a discouraged and defeated learner;

(3) The alternative program complies with all requests of the county superintendent for information on the educational program and progress of the student;

(4) The alternative program includes a family involvement component in its program. This component shall include, but is not limited to, providing for student and parent participation in activities that help address the challenging issues that have hindered the student's engagement and progress in learning;

(5) The alternative program includes an on-site boarding option for students;

(6) The alternative program provides an individualized education program for students that is designed to prepare them for a successful transition back into the public schools; and

(7) The parents or legal guardian of the student make application for enrollment of the student in the alternative program, agree to the terms and conditions for enrollment, and enroll the student in the program.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-11. Advanced Career Education.

(a) The Legislature hereby makes the following findings:

(1) Preparing West Virginia students to achieve post-secondary career education and to excel in the workforce is a responsibility shared among all state education agencies and institutions. The state's education agencies and institutions can fulfill this responsibility by establishing partnerships that enable students to attain advanced career education and valuable workforce skills in a more efficient and advantageous manner;

(2) The formation of partnerships between public secondary schools and community and technical colleges or baccalaureate institutions which establish advanced career education programs would ensure that a full range of community and technical college programs and services are provided in all areas of the state;

(3) Programs which create clear and efficient pathways that begin during secondary education and lead to obtaining advanced certifications and associate degrees will increase the number of students that ultimately obtain a post-secondary credential or degree; and

(4) West Virginia's economic prosperity is directly tied to the level and quality of its workforce career education. Providing the students of this state with increased access to career education will not only improve the general well-being of its citizens, but greatly enhance the economic prosperity of the state.

(b) The purpose of this section and the Advanced Career Education (ACE) programs authorized herein is to connect secondary schools with community and technical colleges or baccalaureate institutions including accredited not-for-profit private institutions to accomplish the following:

(1) Prepare secondary students for success in post-secondary education and the workforce; and

(2) Provide more opportunities for secondary students to earn post-secondary college credits, certifications, and associate degrees.

(c) To effectuate the purposes set forth in §18-2E-11(b) of this code, community and technical colleges, baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall establish partnerships that provide for ACE programs which feature defined pathways that begin when a student is in secondary education and that ultimately lead to advanced certifications or associate degrees awarded by community and technical colleges or baccalaureate institutions. ACE programs shall be equally available to public, nonpublic, and homeschool students.

(d) ACE programs shall include pathways that consist of a curriculum of courses leading to advanced certifications or an associate degree that have been deemed to satisfy a workforce need as determined by the Department of Commerce.

(1) The Department of Commerce shall, on occasion, but at least annually, provide written notification to the State Board of Education, the West Virginia Council for Community and Technical College Education and the West Virginia Higher Education Policy Commission a determination of areas of workforce need within the state.

(2) The Department of Commerce, in consultation with the council, the commission and business partners, will develop a hierarchy of high demand skilled professions and workforce needs with shortages. The program will issue the funds to community and technical colleges or baccalaureate institutions for students pursuing certificates or associate degrees that apply directly to those fields.

(e) The State Superintendent of Schools, the Chancellor of the Council for Community and Technical College Education, and the Chancellor of the Higher Education Policy Commission, or their

designees, shall facilitate the ACE programs. At a minimum, an ACE program shall satisfy the following objectives:

(1) Provide additional opportunities to students in this state to attain advanced certifications and college credentials through ACE pathways;

(2) Increase the number of students in this state that attain advanced certifications and college credentials through ACE pathways;

(3) Allow students in this state to attain advanced certifications and college credentials through ACE pathways at little or no cost;

(4) Ensure that ACE pathways provide a clear roadmap to the courses and requirements necessary to attain advanced certifications and college credentials; and

(5) Ensure that course requirements within ACE pathways are not duplicated.

(f) The board and council shall jointly promulgate guidelines for the administration of ACE programs and pathways, which must be affirmatively adopted by the board and the council. At a minimum, such guidelines shall provide for the following:

(1) That ACE program partnerships established between community and technical colleges, baccalaureate institutions, career technical education centers, and county boards of education, or any combination of such secondary and postsecondary entities, shall be reduced to written partnership agreements;

(2) The information required to be contained within partnership agreements;

(3) That ACE programs and pathways must meet the requirements of the accrediting entity for the community and technical college or baccalaureate institution awarding the associate degrees or advanced certificates;

(4) That partnership agreements shall be approved by the State Superintendent of Schools, the Chancellor for the Council for Community and Technical College Education and the Chancellor of the Higher Education Policy Commission; and

(5) Any other provisions necessary to effectuate the purposes of this section.

(g) The Division of Vocational Education and the council shall maintain and annually report to the Governor and the Legislative Oversight Commission on Education Accountability the following information about ACE programs:

(1) The identity and number of partnership agreements;

(2) The ACE programs and pathways that are being utilized by career technical education centers, county boards of education, community and technical colleges, and baccalaureate institutions; and

(3) The nature and number of degrees and certifications awarded to students participating in ACE programs by each community and technical college, baccalaureate institution and career technical education center.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions.

For the purpose of this article:

(a) 'State board' means the West Virginia Board of Education.

(b) 'County board' or 'board' means a county board of education.

(c) 'Professional salaries' means the state legally mandated salaries of the professional educators as provided in §18A-4-1 *et seq.* of this code.

(d) 'Professional educator' shall be synonymous with and shall have the same meaning as 'teacher' as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) 'Professional instructional personnel' means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

(f) 'Professional student support personnel' means a 'teacher' as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

(g) 'Service personnel salaries' means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

(h) 'Service personnel' means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or fewer per day as provided in §18A-4-8a of this code shall be calculated as one-half an employment day.

(i) 'Net enrollment' means the number of pupils enrolled in special education programs, kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in regular secondary vocational programs ~~existing as of the effective date of this section~~, subject to the following:

(A) Net enrollment includes no more than ~~one thousand~~ 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency: *Provided*, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code; and

(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) ~~No pupil shall~~ A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and ~~no pupil shall~~ a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than 1,400, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) If the increase in net enrollment as determined under this subdivision plus the county's net enrollment as determined under all other provisions of this subsection is greater than 1,400, the increase in net enrollment shall be reduced so that the total does not exceed 1,400; and

(D) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether or not these provisions properly address the needs of counties with low enrollment and a sparse population density.

(j) 'Sparse-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is less than five.

(k) 'Low-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than five but less than 10.

(l) 'Medium-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than 10 but less than 20.

(m) 'High-density county' means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of 'net enrollment', to the square miles of the county is equal to or greater than 20.

(n) 'Levies for general current expense purposes' means 90 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

(o) 'Technology integration specialist' means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.

(p) 'State aid eligible personnel' means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution, or other specific funding source not listed.

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

§18C-9-1. Short title.

This article shall be known and may be cited as the WV Invests Grant Program.

§18C-9-2. Legislative findings and purpose.

(a) The Legislature hereby finds and declares that:

(1) Every West Virginian should have access to education and training that will lead directly to quality employment opportunities within the state. In order for West Virginia to retain and attract business and industry, it must ensure that its workforce has such education and training;

(2) West Virginia currently faces a human capital crisis, as the state regularly ranks amongst the lowest states in the nation in workforce participation rates. Improving the state's workforce participation rates and the level of the workforce's career education is critical to economic development and making West Virginia a more prosperous state;

(3) The 2017 West Virginia Forward Report, a strategy for economic development and job growth, found that 'investments in improving human capital are considered the most significant opportunity for improvement in West Virginia, especially because access to a specialized workforce is a significant factor for investment attraction...';

(4) According to the United States Department of Labor's Bureau of Labor Statistics, the median yearly earnings of an individual with an associate's degree is approximately \$6,604 more than an individual with only a high school diploma. Therefore, any investment by the state into a citizen obtaining such a degree would be repaid multiple times over through the citizen's increased contributions to the economy and tax base;

(5) West Virginia is currently facing a devastating drug epidemic, and the hope that comes with increased access to career education and higher quality employment opportunities is an indispensable tool against the spread of drug addiction; and

(6) An investment by the state into increasing access to post-secondary career education will provide its citizens the hope and opportunity for better career opportunities, and provide the state with the trained workforce needed to attract significant economic development.

(b) The purpose of this article is to provide West Virginians with hope and economic prosperity by increasing access to a higher level of career education that is needed to fulfill the needs of today's workforce and provide for further economic development.

§18C-9-3. Definitions.

As used in this article:

'Council' means the West Virginia Council for Community and Technical College Education;

'Commission' mean the West Virginia Higher Education Policy Commission;

'Eligible institution' means a public community and technical college or a baccalaureate institution including accredited not-for-profit private institutions, satisfying the requirements of participating in Advanced Career Education (ACE) program partnerships in accordance with §18-2E-11 of this code;

'Eligible post-secondary program' means a curriculum of courses leading to a certificate or associate degree at an eligible institution which satisfies a course of study that has been deemed by the Department of Commerce to satisfy a workforce need as determined by it in accordance with §18-2E-11(d) of this code; and

'Tuition' means the semester or term charges imposed by an eligible institution and, additionally, all mandatory fees required as a condition of enrollment by all students.

§18C-9-4. WV Invests Grant Program.

(a) There is hereby created a grant program known as the WV Invests Grant Program, which shall be administered by the vice chancellor for administration in accordance with this article.

(b) The council shall award WV Invests Grants pursuant to the following terms and conditions:

(1) A WV Invests Grant may only be awarded to applicants satisfying the requirements provided in §18C-9-5 of this code;

(2) The maximum amount of a WV Invests Grant shall be the cost of tuition charged to all students for coursework leading to completion of the chosen associate degree or certificate, less all other state and federal scholarships and grants for which the student is eligible. All other state and federal scholarships and grants for which the grant recipient is eligible shall be deducted from the amount of the WV Invests Grant for each individual student. The amount of a WV Invests Grant at an eligible baccalaureate institution shall not exceed the average cost of tuition and mandatory fees of the community and technical colleges.

(3) Grant payments shall be made directly to the eligible institutions;

(4) If a grant recipient transfers from one eligible institution to another, the grant is transferable only with approval of the vice chancellor for administration;

(5) A WV Invests Grant may be used at any eligible institution to seek an associate degree or certificate in an eligible post-secondary program. An institution is not required to accept a grant recipient for enrollment and may enforce its own admission requirements, standards, and policies; and

(6) If a WV Invests Grant recipient terminates enrollment for any reason during the academic year, the unused portion of the grant shall be returned by the institution to the council in accordance with the council's policy for issuing refunds. The council shall transfer such funds to the WV Invests Fund for allocation and expenditure.

(c) On or before January 1 annually, the council shall provide to the Legislature and the Governor a report on the WV Invests Grant Program, which shall include, but not be limited to, research and data concerning student success and grant retention.

(d) The council shall propose legislative rules for legislative approval pursuant to §29A-3A-1 et seq. of this code to implement the provisions of this article, which shall provide for:

(1) Application requirements and deadlines fully implementing requirements of this article;

(2) Appeal procedures for the denial or revocation of the grant; and

(3) Any other provisions necessary to effectuate the purposes of this article.

(e) The Legislature hereby declares that an emergency situation exists and, therefore, the council may establish, by emergency rule, under the procedures of §29A-3A-1 et seq. of this code, a rule to implement the provisions of this article.

(f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any appropriation by the Legislature to support and or alleviate the cost to citizens in this state to obtain advanced certifications and associate degrees shall only be distributed to those community and technical colleges or baccalaureate institution that form one or more partnerships to establish ACE programs and pathways. Once distributed, such funds may be used to support any eligible post-secondary program or pathway leading to the award of such degree or certification.

§18C-9-5. Eligibility requirements; agreements.

(a) To be eligible for a WV Invests Grant, an individual must satisfy the following requirements:

(1) Be a citizen or legal resident of the United States and have been a resident of West Virginia for at least one year immediately preceding the date of application for a grant;

(2) Have completed a secondary education program in a public, private, or home school;

(3) Have not been previously awarded a post-secondary degree;

(4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age may qualify for the grant upon completion of a secondary education program in a public, private, or home school;

(5) Meet the admission requirements of, and be admitted into, an eligible institution;

(6) Satisfactorily meet any additional qualifications of enrollment, academic promise, or achievement as established by the council through rule;

(7) Have filed a completed free application for federal student aid for the academic year in which the grant award is sought;

(8) Be enrolled in an eligible post-secondary program;

(9) Be enrolled in at least six credit hours per semester;

(10) Have completed a WV Invests Grant application as provided by the council in accordance with a schedule established by the council; and

(11) Have, prior to the start of each semester, satisfactorily passed a drug test administered by the eligible institution: *Provided*, That the applicant shall be responsible for the actual cost of the drug test.

(b) Each grant may be renewed until the course of study is completed as long as the following qualifications, as determined by the vice chancellor for administration, council are satisfied:

(1) Maintaining satisfactory academic standing, including a cumulative grade point average of at least 2.0;

(2) Making adequate progress toward completion of the eligible post-secondary program;

(3) Satisfactory participation in a community service program authorized by the council The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for the administration of community service requirements, including, but not limited to, requiring completion of at least eight hours of unpaid community service during the time of study, which may include, but is not limited to, participating with nonprofit, governmental, institutional, or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents, or foster civic responsibility;

(4) Continued satisfaction of eligibility requirements provided by §18C-9-5(a) of this code; and

(5) Satisfaction of any additional eligibility criteria established by the council through legislative rule.

(c) Each recipient of a WV Invests Grant shall enter into an agreement with the vice chancellor for administration, which shall require repayment of an amount of the grant(s) awarded to the recipient, in whole or in part, if a recipient chooses to reside outside the state within two years following obtainment of the degree or certificate for which the grant(s) was awarded. The council may not require a recipient to repay grants, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the grant award. Each WV Invests Grant agreement shall include the following:

(1) Disclosure of the full terms and conditions under which assistance under this article is provided and under which repayment may be required; and

(2) A description of the appeals procedure required to be established under this article.

(d) WV Invests Grant recipients found to be in noncompliance with the agreement entered into under §18C-9-5(c) of this code shall be required to repay the amount of the grant awards received, plus interest, and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed in rules promulgated by the council. The council shall also provide for proration of the amount to be repaid by a recipient who maintains employment in the state for a period of time within the time period required under §18C-9-5(c) of this code.

(e) A recipient is not in violation of an agreement entered into pursuant to §18C-9-5(c) of this code during any period in which the recipient is meeting any of the following conditions:

(1) Pursuing a half-time course of study at an accredited institution of higher education;

(2) Serving as a member of the armed services of the United States;

(3) Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician; or

(4) Satisfying the provisions of any additional repayment exemptions prescribed by the council through rule.

§18C-9-6. WV Invests Fund; established.

(a) There is hereby created in the State Treasury a special revenue fund to be known as the WV Invests Fund, which may consist of:

(1) All appropriations by the Legislature for the WV Invests Fund;

(2) Any gifts, grants, or contributions received for the WV Invests Fund; and

(3) All interest or other income earned from investment of the WV Invests Fund.

(b) The WV Invests Fund shall be expended for the purpose of administering the WV Invests Grant Program, including the awarding of grants authorized by this article. Any funds remaining in the fund at the close of the fiscal year are carried forward for use in the next fiscal year.

(c) Nothing in this section requires any specific level of funding by the Legislature nor guarantees or entitles any individual to any benefit or grant of funds.

(d) The vice chancellor for administration may expend the moneys in the fund to implement the provisions of this article.”

Delegate Sponaule moved to amend the amendment recommended by the Committee on Finance, by striking out the amendment and inserting in lieu thereof, the following:

“ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE STUDENT EXCELLENCE SCHOLARSHIP PROGRAM.

§18C-7-1. Title; provision to expire.

This article shall be known and may be cited as the ‘West Virginia providing real opportunities for maximizing in-state student excellence (PROMISE) Scholarship Program’. Except as provided in §18C-8-1 et seq. of this code, the provisions of this article expire and are no longer in force or effect beginning January 1, 2020.

ARTICLE 9. WEST VIRGINIA EDUCATE, EMPLOY AND RETAIN SCHOLARSHIP PROGRAM.

§18C-9-1. Legislative findings and purpose.

(a) The Legislature finds and declares that:

(1) West Virginia must have an educated workforce in order to retain and attract high-wage, high-skill jobs;

(2) The population decline of this state in the last several decades has included many West Virginia residents who grew up and were educated in and by the educational system of our state;

(3) West Virginia will continue to lose a large percentage of West Virginia residents who graduate from the state's colleges and universities and do not remain in West Virginia, and new incentives must be created to encourage these graduates to stay and work in West Virginia;

(4) The Promise Scholarship has helped many West Virginians' receive college educations but has not resulted in sufficient retention of these students in-state after graduation;

(5) The Promise Scholarship with its high academic standards for eligibility, has assisted students most inclined to attend college and has done nothing to incentivize all other students to attend state colleges and universities, and these students are in the greatest need of assistance and encouragement to pursue a higher education; and

(6) That a new approach is needed to stop the brain drain of our state, and rewarding all resident college students who remain in West Virginia after graduation by establishing a new program that provides scholarships for residents who agree to stay and work in West Virginia after graduation is a better solution for West Virginia.

(b) It is the purpose of this article to redirect existing PROMISE scholarship funding to the Promise for All Scholarship, established pursuant to this article. These scholarships will be available to all residents who enroll in a state institution and maintain a 2.0 grade-point average during their collegiate career. The scholarships may not exceed \$10,000 each scholastic year and shall provide for no longer than four years for an undergraduate degree and two years for an associate degree, and will be annually proportionally released from repayment for each year the resident remains and works in West Virginia following graduation.

§18C-9-2. Definitions.

(a) General. — For the purposes of this article, terms have the meaning ascribed to them in §18C-1-2 of this code, unless the context in which the term is used clearly requires a different meaning or a specific definition is provided in this section.

(b) Definitions – (1) 'Enrolled' means either currently enrolled or in the process of enrolling in an eligible institution.

(2) 'Eligible institution' means:

(A) A state institution of higher education as defined in §18B-1-2 of this code;

(B) Alderson-Broaddus College, Appalachian Bible College, Bethany College, Davis and Elkins College, Ohio Valley University, the University of Charleston, West Virginia Wesleyan College and Wheeling Jesuit University, all in West Virginia. Any institution listed in this subdivision ceases to be an eligible institution if it meets either of the following conditions:

(i) It loses regional accreditation; or

(ii) It changes its status as a private, not-for-profit institution;

(C) Any other public or private regionally accredited institution in this state approved by the commission.

(3) 'Room and Board' means the annual cost, as established by the accredited institution as the cost of housing and food while attending as a full-time student.

(4) 'Tuition' means the quarter, semester or term charges imposed by an eligible state institution of higher education and, additionally, all mandatory fees required as a condition of enrollment by all students. For the purposes of this article, the following conditions apply:

(A) West Virginia University, Potomac State College and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates; and

(B) The tuition amount paid by undergraduate health sciences students at West Virginia University is considered to be the same as the amount of tuition paid by all other West Virginia University undergraduate students.

§18C-9-3. Powers and duties of the West Virginia Higher Education Policy Commission regarding the West Virginia Educate, Employ and Retain Scholarship Program.

(a) Powers of commission. — In addition to the powers granted by any other provision of this code, the commission has the powers necessary or convenient to carry out the purposes and provisions of this article including, but not limited to, the following:

(1) To promulgate legislative rules in accordance with the provisions of §29A-3A-1 et seq. of this code to effectuate the purposes of this article;

(2) To invest any of the funds of the Promise for All Scholarship Fund established pursuant to §18C-9-6 of this code with the West Virginia Investment Management Board in accordance with the provisions of §12-6-1 et seq. of this code. Any investments made pursuant to this article shall be made with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in conducting an enterprise of a like character and with like aims. Fiduciaries shall diversify plan investments to the extent permitted by law to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

(3) To execute contracts and other necessary instruments;

(4) To impose reasonable requirements for residency for students applying for the Promise for All scholarship. Except as provided in §18C-1-4 of this code, a student shall have met the following requirements to be eligible:

(A) Completed at least one half of the credits required for high school graduation in a public or private high school in this state; or

(B) Received instruction in the home or other approved place pursuant to §18-8-1(c) of this code for the two years immediately preceding application;

(C) This subsection does not establish residency requirements for matriculation or fee payment purposes at state institutions of higher education;

(5) To contract for necessary goods and services, to employ necessary personnel and to engage the services of private persons for administrative and technical assistance in carrying out the responsibilities of the scholarship program. Any services provided or secured to implement or administer the provisions of this section remain under the direction and authority of the Vice Chancellor for Administration;

(6) To solicit and accept gifts, including bequests or other testamentary gifts made by will, trust or other disposition, grants, loans and other aid from any source and to participate in any federal, state or local governmental programs in carrying out the purposes of this article;

(7) To define the terms and conditions under which scholarships are awarded with the minimum requirements being set forth in §18C-9-6 of this code; and

(8) To establish other policies, procedures and criteria necessary to implement and administer the provisions of this article.

(b) *Duties of commission.* — In addition to any duty required by any other provision of this code, the commission has the following responsibilities:

(1) To operate the program in a fiscally responsible manner and within the limits of available funds;

(2) To maintain contact with students and graduates who have received Promise for All scholarships and to provide a written statement of intent notifying them that acceptance of the scholarship entails a responsibility to comply with the following:

(i) Continue to live in West Virginia after graduation;

(ii) Obtain employment in West Virginia after graduation;

(iii) To repay the scholarship as a loan if the graduate leaves West Virginia or fails to graduate within required time periods;

(iv) For Promise for All recipients who enroll in post-graduate education programs, the name of the state in which each post-graduate institution is located; and

(v) Any other relevant information the commission reasonably requests to implement the provisions of this subdivision.

§18C-9-4. Promise for All program requirements.

(a) A Promise for All award recipients shall meet the following conditions:

(1) For a student enrolled in a state institution of higher education or other eligible institution, the annual award shall only be given to eligible students enrolled in a state institution of higher education and shall not exceed the annual estimated cost of tuition, room and board except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2019, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article: *Provided*, That eligible students attending less than full time shall only be eligible for awards for tuition and any other qualifications, conditions or limitations as established by commission rules;

(2) The annual award shall be used by an eligible institution to supplement, but may not supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5 of this code and §18B-10-6a, §18B-10-7 and §18B-10 7b of this code.

(b) The total cost of all awards granted by the commission in any year may not exceed the amount of funds available to the commission during the fiscal year, but in no case may be more than \$10,000 in one scholastic year.

(c) In order to be eligible to receive a Promise for All award an individual shall:

(1) Submit an award application to the commission:

(A) Within two years of graduating from high school or within two years of acquiring a general equivalency degree if provided instruction in the home or other approved place pursuant to §18-9-1(c) of this code; or

(B) Within seven years of initially entering military service, and within one year of discharge from military service, if the individual has entered the United States armed services within two years after graduating from high school;

(2) Apply for and submit a Free Application for Federal Student Aid;

(3) Maintain appropriate academic progress toward the completion of a degree at the undergraduate education level as determined by the commission if the individual has completed more than one semester or term at an institution of higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school and graduate;

(4) Be a United States citizen or legal immigrant to the United States;

(5) Meet additional objective standards the commission considers necessary to promote academic excellence and to maintain the financial stability of the fund; and

(6) Enroll in an eligible institution. A student enrolled at an eligible institution who receives a Promise for All award may retain and renew the scholarship to complete his or her undergraduate education at that institution or any other eligible institution under the following circumstances:

(A) The institution at which the student is enrolled loses its status as an eligible institution as defined in §18C-9-2 of this code; and

(B) The student meets all other renewal requirements of this code and of commission rules.

(d) Upon the withdrawal of the student from an eligible institution before completing program requirements and failure to timely enroll in another eligible institution, or upon graduation, failure to remain in the state or gain full-time employment within a reasonable period of time as established by the commission, the recipient shall be required to repay the state the amount of the scholarship, and the scholarship shall be treated as, and administered pursuant to the Guaranteed Student Loan Program, as established in §18C-2-1 *et seq.* of this code.

(e) It is the intent of the Legislature that the commission shall strongly encourage prospective candidates for the Promise for All award to perform at least 20 hours of unpaid community service while in high school to help prepare them for success in post-secondary education. The community service may include, but is not limited to, participation with nonprofit, governmental or community-based organizations designed with any or all of the following purposes:

(1) Improving the quality of life for community residents;

(2) Meeting the needs of community residents; or

(3) Fostering civic responsibility.

§18C-9-5. Legislative rules.

(a) The commission shall promulgate legislative rules in accordance with the provisions of §29A-3A-1 et seq. of this code, which shall include:

(1) The amount of a Promise for All award in combination with aid from all other sources may not exceed the cost of education at the institution the recipient is attending. This provision does not apply to members of the West Virginia National Guard, recipients of an Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and technology scholarship;

(2) Additional objective standards the commission considers necessary:

(A) To promote academic excellence;

(B) To maintain the financial stability of the fund; and

(C) To operate the program within the limits of available funds.

(3) Provisions for making the highest and best use of the Promise for All Program in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth in §18-30-1 et seq. of this code:

(4) A provision defining the relationship of Promise for All scholarships to all other sources of student financial aid to ensure maximum coordination. The provision shall include the following:

(A) Methods to maximize student eligibility for federal student financial aid;

(B) A requirement that Promise for All Awards not supplant tuition and fee waivers; and

(C) Clarifications as needed of the relationship between the Promise for All Program, tuition savings plans and other state-funded student financial aid programs.

(5) A method for making Promise for All awards within the limits of available appropriations, including circumstances when program funds are not sufficient to provide awards to all eligible applicants. The commission may not use any of the following methods:

(A) Providing for an annual Promise for All award that is less than the amounts provided in this section; or

(B) Eliminating any current recipient from eligibility; and

(C) A method for applicants to appeal determinations of eligibility and renewal.

(b) The rule may provide for or require the following at the commission's discretion:

(1) Requiring repayment of the amount of the scholarship, in whole or in part, if a scholarship recipient chooses to work outside the state after graduation or fails within a reasonable period to obtain full-time employment in the state. The rule may not require a recipient to repay an award, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the award. The commission may grant extensions or make other exceptions regarding scholarship repayment by persons who did not graduate or otherwise failed to fulfill the requirements for discharge or repayment of scholarship funds when undue hardship to the recipient will occur;

(2) Targeting a portion of the scholarship funds to be used for applicants enrolled in an engineering, science, technology or other designated program;

(3) Determining what other sources of funding for higher education are to be deducted from the Promise for All award; and

(4) Providing additional criteria as determined by the commission.

(c) The Legislature finds that an emergency exists and, therefore, the commission shall file any rule to implement the provisions of this section as an emergency rule pursuant to the provisions of §29A-3A-1 et seq. of this code necessary to have the program fully operational for the 2019 school year.

§18C-9-6. Promise for All Award Fund created.

(a) The special revenue fund in the State Treasury designated and known as the Promise for All Award Fund is created. The fund consists of moneys from the following sources:

(1) All appropriations to the fund from the West Virginia Lottery, video lottery and taxes on amusement devices previously dedicated to the PROMISE scholarship program;

(2) All remaining appropriations by the Legislature for the PROMISE Scholarship Fund not needed to fulfill current Promise Scholarship awards as provided pursuant to this article;

(3) All appropriations by the Legislature for the Promise for All Award Fund;

(4) Any gifts, grants or contributions received for the Promise for All Award Program; and

(5) All interest or other income earned from investment of the fund.

(b) The allocations to the fund are subject to appropriation by the Legislature. Nothing in this article requires any specific level of funding by the Legislature nor guarantees nor entitles any individual to any benefit or grant of funds.

(c) The commission may expend the moneys in the fund to implement the provisions of this article.”

Delegate Hanna requested to be excused from voting on Com. Sub. for S. B. 1 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

Following discussion of both of the amendments to the amendment, the question before the House was the adoption of the amendment offered by Delegates Doyle, Hornbuckle, Zukoff, Lavender-Bowe, Estep-Burton, Evans, Campbell, C. Thompson, R. Thompson and Rodighiero.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Doyle demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 470**), and there were—yeas 43, nays 56, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Capito.

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

The question then before the House was the adoption of the amendment offered by Delegate Sponaule.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Sponaule demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 471**), and there were—yeas 40, nays 59, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Capito.

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

Delegates C. Thompson and Phillips moved to amend the amendment recommended by the Committee on Finance, on page seven, section eleven, line twenty after the word “public”, by inserting the words “or private”.

On page seven, section eleven, line twenty-six after the word “public”, by inserting the words “or private”.

On page eight, section eleven, line forty-two after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line sixty-two after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line sixty-seven after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line seventy-eight after the word “public”, by inserting the words “or private”.

On page nine, section eleven, line eighty-one after the word “public”, by inserting the words “or private”.

On page fourteen, section three, line six after the word “public”, by inserting the words “or private”.

On page fifteen, section four, line thirteen after the word “public”, by inserting the words “or private”.

And,

On page sixteen, section four, line forty after the word “public”, by inserting the words “or private”.

On the adoption of the amendment to the Committee on Finance amendment, Delegate C. Thompson demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 472**), and there were—yeas 41, nays 54, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, N. Brown, S. Brown, Butler, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, C. Martin, P. Martin, Miley, Paynter, Pethtel, Phillips, Pushkin, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Boggs, Byrd, Capito, Pyles and Rodighiero.

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

On motion of Delegate Hamrick, the strike and insert amendment was amended on page 8, section eleven, line 41, after the word ‘shortages’, by striking out the period and the remainder of the paragraph and inserting a comma and ‘which shall be given priority in administration of the program.’

Delegate Butler moved to amend the Committee on Finance amendment on page sixteen, section four, lines thirty-seven through forty-two, by striking out paragraph (f) in its entirety and inserting in lieu thereof:

“(f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any funding under this Article shall only be distributed to those community and technical colleges or public baccalaureate institutions that form one or more partnerships to establish ACE programs and pathways. Once distributed, such funds may be used to support any eligible post-secondary program or pathway provided by an eligible institution leading to the award of such degree or certification.”

On page nineteen, section six, line sixty-six, by striking out subsection (1) in its entirety.

On page nineteen, section six, line sixty-seven after the word “Fund”, by inserting a comma and the words “excluding any appropriations from the Legislature”.

And

By renumbering the subsections.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Butler demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 473**), and there were—yeas 14, nays 81, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Butler, Cadle, Dean, Fast, Foster, Hill, C. Martin, P. Martin, McGeehan, Nelson, Paynter, Toney and Wilson.

Absent and Not Voting: Boggs, Capito, Hartman, Queen and R. Thompson.

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

Delegate Butler moved to amend the Committee on Finance amendment on page seventeen, section five, line fourteen, after the word “sought”, by striking out the semicolon and inserting in lieu thereof “and must be eligible and receive federal student aid”.

On the adoption of the amendment to the Committee on Finance amendment, Delegate Butler demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 474**), and there were—yeas 27, nays 69, absent and not voting 4, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Azinger, Bibby, Butler, Cadle, Cooper, Dean, Doyle, Fast, Graves, Hansen, Hollen, Hornbuckle, Kessinger, Kump, Linville, C. Martin, P. Martin, Nelson, Paynter, Phillips, Pyles, Storch, Tomblin, Toney, Waxman and Wilson.

Absent and Not Voting: Boggs, Capito, Queen and C. Thompson.

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

Delegate Butler moved to amend the Committee on Finance amendment on page fifteen, section four, line twelve, after the word “student”, by inserting the following:

“The amount of a WV Invests Grant at an eligible institution as defined in §18C-9-3 may not exceed the tuition as of January 1, 2019; thereafter, the tuition may not increase by an amount greater than the percent increase in the consumer price index as calculated by the United States Department of Labor Bureau of Statistics, for the previous year.”

On the adoption of the amendment to the Committee on Finance amendment, Delegate Butler demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 475**), and there were—yeas 36, nays 61, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Bates, Bibby, Butler, Cadle, Cooper, Dean, Ellington, Fast, Fluharty, Foster, Graves, Hanna, Harshbarger, Hill, Hollen, Hornbuckle, Howell, Kump, Linville, Lovejoy, Mandt, C. Martin, P. Martin, Nelson, Pack, Paynter, Phillips, Robinson, Rohrbach, Tomblin, Toney, Waxman, Westfall, Wilson and Worrell.

Absent and Not Voting: Boggs, Hicks and Walker.

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

Delegate Diserio moved to amend the Committee on Finance amendment on page thirteen, after the period on line eighty-seven, by inserting a new section, to read as follows:

“CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-16. Encouragement of collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

(a) The Legislature finds that apprenticeship programs provide a valuable educational opportunity that can be enhanced by community and technical colleges that offer associate degrees. Accordingly, the Legislature hereby encourages, but is not requiring, community and technical colleges that offer associate degrees to enter into collaborative agreements with federally registered apprenticeship programs that are registered with the United States Department of Labor.

(b) On or before January 1 of each year, the council shall provide to the Legislature and the Governor a report regarding the collaborative agreements between community and technical colleges and federally registered apprenticeships programs. The report should identify those community and technical colleges that have entered into a collaborative agreement with federally registered apprenticeship programs, the number of students participating in such apprenticeship programs, the number of community and technical colleges credits earned by students in such apprenticeship programs, the number of students employed in a relevant field of study during such apprenticeship programs and for the year after completion of such apprenticeship programs, and the average compensation of the students employed in a relevant field of study during their enrollment in such apprenticeship programs and for the year after completion of such apprenticeship programs.”

On the adoption of the amendment to the Committee on Finance amendment, Delegate Diserio demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 476**), and there were—yeas 54, nays 44, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Azinger, Bibby, Capito, Cooper, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hollen, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Mandt, C. Martin, Maynard, McGeehan, Pack, Phillips, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Malcolm and Nelson.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The Committee on Finance amendment, as amended, was then adopted.

The bill was then ordered to third reading.

At 2:16 p.m., the House of Delegates recessed until 7:00 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.

Special Calendar**Second Reading**

-continued-

Com. Sub. for S. B. 187, Authorizing Department of Revenue to promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 285, Relating to sale of homemade food items; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 35. FARMERS MARKETS AND COTTAGE FOODS.**§19-35-2. Definitions.**

For purposes of this article:

‘Consignment farmers market’ means a farmers market in which two or more vendors deliver their own farm and food products to a common location maintained by a third party that markets the vendors’ products and receives a percentage share of the profits from sales, with the individual vendor retaining ownership of the farm and food product until it is sold. A consignment farmers market may be mobile or in a stationary location.

‘Delivered’ means transferred to the consumer, either immediately upon sale or at a time thereafter.

‘Department’ means the Department of Agriculture.

‘Farm and food product’ means any agriculture, horticulture, agroforestry, animal husbandry, dairy, livestock, cottage food, beekeeping, or other similar product. Farm and food products are to be properly labeled.

‘Farmers market’ means:

(1) A traditional farmers market in which two or more vendors gather to sell farm and food products directly to consumers at a fixed location;

(2) An on-farm market or farm stand run by an individual producer that sells farm and food products;

(3) An online farmers market in which two or more vendors collectively market farm and food products and retain ownership of those products until they are sold; or

(4) A consignment farmers market as defined herein.

‘Farmers market vendor’ or ‘vendor’ means a person or entity that sells farm and food products at a farmers market.

‘Homemade food item’ means a nonpotentially hazardous food item, including a nonalcoholic beverage, which is produced and/or packaged at the private residence of the producer.

‘Nonpotentially hazardous’ means food that does not require time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

‘Produce’ means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, dehydrating, growing, raising, or other process.

‘Producer’ means the person who produces a homemade food item.

‘Retailer’ means and includes every person engaging in the business of selling, leasing, or renting tangible personal property.

‘Seller’ means the person who sells a homemade food item to a consumer. The seller of the homemade food item may be the producer of the item, an agent of the producer, or a third-party vendor, such as a retail shop or grocery store.

§19-35-6. Direct sale of homemade food items.

(a) The production and sale of homemade food items, when done in conformity with this section, are exempt from licensing, permitting, inspection, packaging, and labeling laws of this state.

(b) The following conditions apply to the sale and delivery of homemade food items:

(1) The homemade food item must be sold by the producer to the consumer, whether in person or remotely, or by an agent of the producer or a third-party vendor; and

(2) The homemade food items must be delivered to the consumer by the producer, an agent of the producer, a third-party vendor, or a third-party carrier.

(c) The following information must be provided to the consumer, in the format required by subsection (d) of this section:

(1) The name, home address, and telephone number of the producer of the homemade food item;

(2) The common or usual name of the homemade food item;

(3) The ingredients of the homemade food item in descending order of predominance; and

(4) The following statement: ‘This product was produced at a private residence that is exempt from State licensing and inspection. This product may contain allergens.’

(d) The information required by subsection (c) of this section must be provided:

(1) On a label affixed to the package, if the homemade food item is packaged;

(2) On a label affixed to the container, if the homemade food item is offered for sale from a bulk container;

(3) On a placard displayed at the point of sale, if the homemade food item is neither packaged nor offered for sale from a bulk container;

(4) On the webpage on which the homemade food item is offered for sale, if the homemade food item is offered for sale on the Internet; or

(5) On a receipt or other document provided to the customer with the homemade food item.

(e) The homemade food item must not be meat, meat byproduct, meat food product, poultry, poultry byproduct, or poultry food product, as those terms are defined for purposes of the federal Meat Inspection Act and federal Poultry Products Inspection Act, unless the production and sale of the items are within the exemption in 9 C.F.R. §303.1(d), §381.10(c), or §381.10(d) and comply with other applicable federal regulations.

(f) This section shall not be construed to:

(1) Impede the authority of a local health department or the department to investigate or cease the production or sale of food items reported to have caused a foodborne illness;

(2) Preclude the department from providing assistance, consultation, or inspection at the request of the producer of a homemade food item;

(3) Preclude the production or sale of food items otherwise allowed by law;

(4) Exempt a producer, seller, third-party vendor, or third-party agent from any applicable tax law;

(5) Exempt producers or sellers of homemade food items from any law that requires the producer, seller, third-party vendor, or third-party agent to register its business name, address, and other identification information with the state;

(6) Exempt producers or sellers of homemade food items from any applicable law of the federal government, including any federal law prohibiting the sale of certain food items in interstate commerce; or

(7) Exempt producers or sellers of homemade food items from any applicable law of another state.

(g) This section preempts county, municipal, and other political jurisdictions from prohibiting and regulating the production and sale of homemade food items: *Provided*, That such preemption shall not include space rentals at governmental owned or operated facilities, governmental sanctioned or operated events, or product placement agreements with governmentally owned facilities as well as temporary events 14 days or less in duration.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 537, Creating workgroup to review hospice need standards; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page two, line thirty-seven, by striking out “June 30, 2020” and inserting in lieu thereof “September 30, 2019”.

On page three, line thirty-eight, by striking out “March 31, 2021” and inserting in lieu thereof “December 31, 2019”.

On page three, line forty-one, by striking out “December 31, 2020” and inserting in lieu thereof “December 1, 2019”.

On page three, line forty-three, by striking out “90” and inserting in lieu thereof “30”.

On page three, line forty-five, after the period, by striking out the remainder of subsection (d).

And,

On page three, line forty-eight, by striking out subsection (e) and inserting a new subsection (e) to read as follows:

“(e) The need standards regulating hospice services and home health services shall be those that were in effect on January 1, 2018, and shall remain in effect until the Governor approves the new standards no sooner than December 31, 2019.”

On motion of Delegate Ellington, the bill was amended on page one, section thirty-one, line four, after the word “Authority”, by inserting the words “or designee”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 546, Relating to health care provider taxes; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page one, line two, by striking out the word “is” and inserting in lieu thereof “shall be”.

On page one, line four, by striking out the words “eligible acute care hospitals and health systems that provide” and inserting in lieu thereof “an eligible acute care hospital that provides”.

On page one, line six, by striking out the words “and health system”.

On page one, beginning on line fourteen, by striking out the words “and health systems”.

On page two, beginning on line twenty-four, by striking out subsection (e) in its entirety and inserting in lieu thereof the following: “The amount of taxes collected under this section, including any interest, additions to tax and penalties collected under article ten of this chapter, less the amount of allowable refunds, the amount of any interest payable with respect to such refunds, and costs of administration and collection, shall be deposited into the Medicaid State Share Fund and shall not revert to general revenue. The Tax Commissioner shall establish and maintain a separate account and accounting for the funds collected under this section, in an account to be designated as the “Eligible Acute Care Practitioner Enhancement Account.” The amounts collected shall be deposited, within fifteen days after receipt by the tax commissioner, into the Eligible Acute Care Practitioner Enhancement Account. Disbursements from the Eligible Acute Care Practitioner Enhancement Account within the Medicaid State Share Fund may be used only to support increasing practitioner payment fee schedules for practitioners employed by eligible acute care hospitals.”

On page two, line thirty-three, by striking out the words “medical or”.

On page two, line forty, by striking out the words “and health systems”.

And,

On page two, line forty-two, by striking out the word “Fund” and inserting in lieu thereof “Account”.

On motion of Delegate Ellington, the Health and Human Resources amendment was amended by striking out the inserted subsection (e) and inserting a new subsection (e) to read as follows:

“(e) There is hereby created a special fund known as the “Acute Care Clearing Fund”. The amount of taxes collected under this section and under §11-27-38 of this code, including any interest, additions to tax and penalties collected under article ten of this chapter, less the amount of allowable refunds, the amount of any interest payable with respect to such refunds, and costs of administration and collection, shall be deposited into the Acute Care Clearing Fund created by this section. The Tax Commissioner shall establish and maintain the funds collected under this section and then periodically distribute the same by the fifth day of the month following the end of the calendar quarter in which the taxes were collected. Provided, that notwithstanding any provision of the code to the contrary, the portion attributable to the taxes, any interest, additions to tax and penalties associated with the tax imposed under §11-27-38 of this code shall be distributed into the Eligible Acute Care Provider Enhancement Account created under that section and the portion attributable to the taxes, any interest, additions to tax and penalties associated with the tax imposed under this section shall be distributed into a new account to be created under the Medicaid State Share Fund to be designated as the “Eligible Acute Care Practitioner Enhancement Account.” Disbursements from the Eligible Acute Care Practitioner Enhancement Account within the Medicaid State Share Fund may be used only to support increasing practitioner payment fee schedules for practitioners employed by eligible acute care hospitals.”

The Committee on Health and Human Resources amendment, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 587, Relating to PEIA reimbursement of air ambulance providers; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 617, Relating to method of payment to Municipal Pensions Security Fund; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section nineteen, line fifty-nine, following the words “~~chapter thirty-three~~”, by striking out the words “§8-22-18(b) and §33-3-14(b)” and inserting in lieu thereof the words “§8-22-18b and §33-3-14d”.

On page four, section nineteen, line eighty-two, following the word “§8-22-18b”, by striking out “(c)”.

And,

On page four, section nineteen, line eighty-two, following the words “allocable portion of”, by striking out the words “the Municipal Pensions and Protection Fund or.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 653, Relating generally to practice of medical corporations; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page six following line one hundred eighteen, by inserting the following:

“ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-9a. Osteopathic medical corporations — Application for registration; fee; notice to Secretary of State of issuance of certificate; action by secretary of state.

~~(a) When One or more osteopathic physicians, allopathic physicians or duly licensed to practice osteopathic medicine in the State of West Virginia or physician assistants wish to may form an osteopathic medical corporation. such osteopathic physician or surgeon, or osteopathic physicians or surgeons~~ An osteopathic physician or osteopathic physician assistant shall file a written application with the board on a form prescribed by the board, and shall furnish proof satisfactory to the board that the signer or all of the signers of such application is or are ~~a duly licensed osteopathic physician or surgeon or osteopathic physicians or surgeons.~~ A reasonable fee, ~~the amount of such reasonable fee~~ to be set by the board rules, shall accompany ~~each such~~ the application, no part of which shall be returnable.

~~(b) If the board finds that the signer or all of the signers of such the application are duly licensed, the board shall notify the Secretary of State that a certificate of authorization has been issued. to the individual or individuals signing such application.~~

~~(c) When the Secretary of State receives notification from the board that a certain individual or individuals has or have been issued a certificate of authorization, he or she shall attach such the authorization to the corporation application and upon compliance by the corporation with §31-1-1 et seq. of this code, the Secretary of State shall notify the incorporators that such the corporation, through a duly licensed osteopathic physician, or surgeon or duly licensed osteopathic physicians and surgeons, license allopathic physician may engage in the appropriate practice. of osteopathic medicine and surgery.”~~

On motion of Delegate Ellington, the amendment recommended by the Committee on Health and Human Resources was amended on page one, section nine-a, line six, by reinserting the stricken words “duly licensed”.

The amendment offered by the Committee on Health and Human Resources, as amended, was then adopted.

The bill was then ordered to third reading.

S. B. 675, Requiring DEP create and implement Adopt-A-Stream Program; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

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

Com. Sub. for S. B. 4, Relating generally to Municipal Home Rule Program,

Com. Sub. for S. B. 90, Transferring Safety and Treatment Program from DHHR to DMV,

Com. Sub. for S. B. 199, Authorizing certain miscellaneous agencies and boards promulgate legislative rules,

S. B. 233, Relating to age requirements for deputy sheriff,

Com. Sub. for S. B. 238, Increasing certain penalties for passing stopped school bus,

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form,

Com. Sub. for S. B. 317, Authorizing three or more adjacent counties form multicounty trail network authority,

Com. Sub. for S. B. 318, Transferring Medicaid Fraud Control Unit to Attorney General's office,

Com. Sub. for S. B. 357, Relating generally to Division of Administrative Services,

Com. Sub. for S. B. 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work,

Com. Sub. for S. B. 400, Allowing Board of Dentistry create specialty licenses,

Com. Sub. for S. B. 402, Authorizing Division of Forestry investigate and enforce timber theft violations,

Com. Sub. for S. B. 404, Relating generally to sediment control during commercial timber harvesting operations,

Com. Sub. for S. B. 405, Increasing limit on additional expenses incurred in preparing notice list for redemption,

S. B. 421, Relating to annual legislative review of economic development tax credit,

Com. Sub. for S. B. 485, Clarifying notification requirements for property insurance purposes,

S. B. 493, Correcting terminology referring to racing vehicles illegally on street,

Com. Sub. for S. B. 496, Transferring authority to regulate milk from DHHR to Department of Agriculture,

Com. Sub. for S. B. 511, Creating alternating wine proprietorships,

S. B. 566, Relating to compensation for State Athletic Commission members,

S. B. 596, Adjusting voluntary contribution amounts on certain DMV forms,

Com. Sub. for S. B. 597, Conforming state law to federal law for registration of appraisal management companies,

Com. Sub. for S. B. 600, Relating to preservation of biological evidence obtained through criminal investigations and trials,

S. B. 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries,

S. B. 625, Clarifying and defining authority of State Athletic Commission,

S. B. 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses,

S. B. 655, Relating to conservation districts generally,

Com. Sub. for S. B. 657, Providing consumer protection regarding self-propelled farm equipment,

S. B. 658, Relating to motor vehicle salesperson licenses,

S. B. 672, Authorizing School Building Authority to promulgate legislative rules,

S. B. 673, Relating to public higher education accountability and planning,

And,

S. B. 676, Relating to off-road vehicle recreation.

On motion of Delegate Butler, **S. B. 153**, Providing greater flexibility for making infrastructure project grants, was discharged from the Committee on Finance, 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 Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company,

Com. Sub. for S. B. 613, Requiring DNR include election of organ donation on hunting licenses,

And,

Com. Sub. for S. B. 622, Relating generally to regulation and control of financing elections,

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

Delegate Hollen, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

S. B. 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees,

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

In accordance with the former direction of the Speaker, the bill (S. B. 36) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 264, Requiring courts to order restitution to crime victims where economically practicable,

And,

Com. Sub. for S. B. 396, Waiving occupational licensing fees for low-income individuals and military families,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 291, Relating generally to survivor benefits for emergency response providers,

Com. Sub. for S. B. 30, Eliminating tax on annuity considerations collected by life insurer,

Com. Sub. for S. B. 543, Relating generally to automobile warranties and inspections,

And,

S. B. 550, Declaring certain claims to be moral obligations of state,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

Delegate Byrd moved, that pursuant to House Rule 100, Com. Sub. for S. B. 543 be committed to the Committee on the Judiciary.

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

Having been ordered, the yeas and nays were taken (**Roll No. 477**), and there were—yeas 36, nays 62, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Hornbuckle, Lavender-Bowe,

Longstreth, Miley, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Shott, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Hicks and C. Martin.

So, a majority of the members present and voting not having voted in the affirmative, the motion to commit Com. Sub. for S. B. 543 to the Committee on the Judiciary was rejected.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement,

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

Delegate Anderson, Chair of the Committee on Energy, submitted the following report, which was received:

Your Committee on Energy has had under consideration:

S. B. 665, Allowing for expedited oil and gas well permitting,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 152, Relating generally to criminal offense expungement,

Com. Sub. for S. B. 40, Establishing Military Service Members Court program,

And,

Com. Sub. for S. B. 539, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended.

At the respective requests of Delegate Summers, and by unanimous consent, the House returned to further consideration of S. B. 36, and second reference of the bill to the Committee on Finance was abrogated.

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

Your Committee on Finance has had under consideration:

S. B. 461, Providing for personal income tax withholding on certain lottery winnings,

And,

S. B. 670, Relating to WV College Prepaid Tuition and Savings Program,

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

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2359, Relating to exemptions to the commercial driver's license requirements.

A message from the Senate, by

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

Com. Sub. for H. B. 2439, Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies.

A message from the Senate, by

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

Com. Sub. for H. B. 2538, Providing banking services for medical cannabis.

A message from the Senate, by

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

Com. Sub. for H. B. 2734, 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 concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

Com. Sub. for H. B. 3007, Authorizing the Commissioner of Agriculture to require background checks.

A message from the Senate, by

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

Com. Sub. for H. B. 3021, Relating to the disposition of permit fees, registration fees and civil penalties imposed against thoroughbred horse racing licensees.

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. 3045, Exempting certain complimentary hotel rooms from hotel occupancy tax.

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. 3095, Establishing a minimum monthly retirement annuity for certain retirants.

A message from the Senate, by

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

Com. Sub. for S. B. 3, Establishing WV Small Wireless Facilities Deployment Act.

A message from the Senate, by

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

Com. Sub. for S. B. 72, Creating Sexual Assault Victims' Bill of Rights.

A message from the Senate, by

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

Com. Sub. for S. B. 393, Protecting right to farm.

A message from the Senate, by

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

S. C. R. 48 - "Requesting the Joint Committee on the Judiciary study whether the Legislature should eliminate the use of subminimum wages for people with intellectual, developmental, or other disabilities."

Whereas, Section 14(c) of the Fair Labor Standards Act authorizes the payment of subminimum wages to persons with intellectual, developmental, and other disabilities; and

Whereas, At least 264 employees with disabilities receive subminimum wages in West Virginia; and

Whereas, Members of the workforce with intellectual, developmental, or other disabilities are contributing members of society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is hereby requested to study whether the Legislature should eliminate the use of subminimum wages for people with intellectual, developmental, or other disabilities; and, be it

Further Resolved, That the Joint Committee on the Judiciary enlist the assistance of the Division of Rehabilitation Services in conducting the study; and, be it

Further Resolved, That the study include an examination of whether requiring a minimum wage to be paid to persons with intellectual, developmental, or other disabilities would have the negative consequence of reducing or eliminating jobs and employment for persons with these disabilities; and, be it

Further Resolved, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Miscellaneous Business

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

- Delegate Lovejoy regarding Com. Sub. for S. B. 175

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

- Delegate Rowan for H. C. R. 89

At 7:32 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, March 6, 2019.

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

SPECIAL CALENDAR

Wednesday, March 6, 2019

57th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 1 - Increasing access to career education and workforce training (HAMRICK) (REGULAR)
- Com. Sub. for S. B. 187 - Authorizing Department of Revenue to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 285 - Relating to sale of homemade food items (SHOTT) (REGULAR)
- Com. Sub. for S. B. 537 - Creating workgroup to review hospice need standards (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 546 - Relating to health care provider taxes (ELLINGTON) (JULY 1, 2019)
- S. B. 587 - Relating to PEIA reimbursement of air ambulance providers (CRISS) (REGULAR)
- S. B. 617 - Relating to method of payment to Municipal Pensions Security Fund (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 653 - Relating generally to practice of medical corporations (ELLINGTON) (REGULAR)
- S. B. 675 - Requiring DEP create and implement Adopt-A-Stream Program (SHOTT) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for S. B. 4 - Relating generally to Municipal Home Rule Program (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 90 - Transferring Safety and Treatment Program from DHHR to DMV (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- S. B. 153 - Providing greater flexibility for making infrastructure project grants (HOUSEHOLDER) (REGULAR)

- Com. Sub. for S. B. 199 - Authorizing certain miscellaneous agencies and boards promulgate legislative rules (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 233 - Relating to age requirements for deputy sheriff (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 238 - Increasing certain penalties for passing stopped school bus (SHOTT) (REGULAR)
- Com. Sub. for S. B. 241 - Permitting county court clerks scan certain documents in electronic form (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 317 - Authorizing three or more adjacent counties form multicounty trail network authority (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 318 - Transferring Medicaid Fraud Control Unit to Attorney General's office (ELLINGTON) (OCTOBER 1, 2019)
- Com. Sub. for S. B. 357 - Relating generally to Division of Administrative Services (HOWELL) (REGULAR)
- Com. Sub. for S. B. 392 - Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work (HOWELL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 400 - Allowing Board of Dentistry create specialty licenses (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 402 - Authorizing Division of Forestry investigate and enforce timber theft violations (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 404 - Relating generally to sediment control during commercial timber harvesting operations (SHOTT) (REGULAR)
- Com. Sub. for S. B. 405 - Increasing limit on additional expenses incurred in preparing notice list for redemption (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- S. B. 421 - Relating to annual legislative review of economic development tax credit (LINVILLE) (REGULAR)

- Com. Sub. for S. B. 485 - Clarifying notification requirements for property insurance purposes (SHOTT) (REGULAR)
- Com. Sub. for S. B. 487 - Relating to admissibility of health care staffing requirements in litigation (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- S. B. 493 - Correcting terminology referring to racing vehicles illegally on street (SHOTT) (REGULAR)
- Com. Sub. for S. B. 496 - Transferring authority to regulate milk from DHHR to Department of Agriculture (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 511 - Creating alternating wine proprietorships (HOWELL) (REGULAR)
- S. B. 535 - Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019 (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 566 - Relating to compensation for State Athletic Commission members (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- S. B. 596 - Adjusting voluntary contribution amounts on certain DMV forms (FINANCE COMMITTEE AMENDMENT PENDING) (CRISS) (REGULAR)
- Com. Sub. for S. B. 597 - Conforming state law to federal law for registration of appraisal management companies (HOWELL) (REGULAR)
- Com. Sub. for S. B. 600 - Relating to preservation of biological evidence obtained through criminal investigations and trials (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 605 - Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries (HAMRICK) (REGULAR)
- S. B. 625 - Clarifying and defining authority of State Athletic Commission (HOWELL) (REGULAR)
- S. B. 633 - Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- S. B. 655 - Relating to conservation districts generally (HOWELL) (REGULAR)

- Com. Sub. for S. B. 657 - Providing consumer protection regarding self-propelled farm equipment (SHOTT) (REGULAR)
- S. B. 658 - Relating to motor vehicle salesperson licenses (HOWELL) (EFFECTIVE FROM PASSAGE)
- S. B. 672 - Authorizing School Building Authority to promulgate legislative rules (HAMRICK) (EFFECTIVE FROM PASSAGE)
- S. B. 673 - Relating to public higher education accountability and planning (HAMRICK) (REGULAR)
- S. B. 676 - Relating to off-road vehicle recreation (HOWELL) (EFFECTIVE FROM PASSAGE)

FIRST READING

- S. B. 16 - Authorizing expenditure of surplus funds by Wyoming County Commission (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 30 - Eliminating tax on annuity considerations collected by life insurer (HOUSEHOLDER) (REGULAR)
- S. B. 36 - Allowing adjustment of gross income for calculating personal income liability for certain retirees
- Com. Sub. for S. B. 40 - Establishing Military Service Members Court program (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 103 - Relating generally to Public Defender Services (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 124 - Creating felony offense for actions of cruelty to animals which causes serious injury or death of animal (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 147 - Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 152 - Relating generally to criminal offense expungement (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 264 - Requiring courts to order restitution to crime victims where economically practicable (HOUSEHOLDER) (REGULAR)

- Com. Sub. for S. B. 291 - Relating generally to survivor benefits for emergency response providers (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 329 - Relating to agricultural education in high schools (HAMRICK) (REGULAR)
- Com. Sub. for S. B. 340 - Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company (SHOTT) (REGULAR)
- Com. Sub. for S. B. 369 - Relating to generic drug products (SHOTT) (REGULAR)
- Com. Sub. for S. B. 396 - Waiving occupational licensing fees for low-income individuals and military families (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 398 - Relating to compensation for senior judges (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 461 - Providing for personal income tax withholding on certain lottery winnings (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 499 - Amending WV tax laws to conform to changes in partnerships for federal income tax purposes (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 502 - Exempting sales of investment metal bullion and coins (HOUSEHOLDER) (JULY 1, 2019)
- Com. Sub. for S. B. 538 - Relating to WV Highway Design-Build Pilot Program (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 539 - Relating to accrued benefit of retirees in WV State Police Retirement System Plan B (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 543 - Relating generally to automobile warranties and inspections (HOUSEHOLDER) (JULY 1, 2019)
- S. B. 550 - Declaring certain claims to be moral obligations of state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 561 - Permitting Alcohol Beverage Control Administration request assistance of local law enforcement (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 601 - Relating to mandatory supervision of adult inmates (SHOTT) (EFFECTIVE FROM PASSAGE)

- Com. Sub. for S. B. 603 - Exempting certain activities from licensing requirements for engaging in business of currency exchange (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 613 - Requiring DNR include election of organ donation on hunting licenses (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 622 - Relating generally to regulation and control of financing elections (SHOTT) (REGULAR)
- Com. Sub. for S. B. 632 - Improving student safety (EDUCATION COMMITTEE AMENDMENT PENDING) (HAMRICK) (JULY 1, 2019)
- Com. Sub. for S. B. 640 - Regulating sudden cardiac arrest prevention (ELLINGTON) (REGULAR)
- S. B. 656 - Relating to electronic filing of tax returns (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2019)
- S. B. 665 - Allowing for expedited oil and gas well permitting (ENERGY COMMITTEE AMENDMENT PENDING) (ANDERSON) (EFFECTIVE FROM PASSAGE)
- S. B. 669 - Allowing appointment of commissioners to acknowledge signatures (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- S. B. 670 - Relating to WV College Prepaid Tuition and Savings Program (HOUSEHOLDER) (REGULAR)

HOUSE CALENDAR

Wednesday, March 6, 2019

57th Day

11:00 A. M.

THIRD READING

- H. B. 2729 - Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2931 - Clarifying that the State Lottery Commission has no authority over nonlottery games (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3105 - Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement (HOWELL) (REGULAR)
- H. B. 3136 - Relating to the Centers for Medicare and Medicaid Services (HOUSEHOLDER) (REGULAR)
- H. B. 3137 - Relating to the personal income tax fund (HOUSEHOLDER) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 529 - Clarifying provisions of Nonintoxicating Beer Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2433 - Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2441 - Removing certain requirements related to wages for construction of public improvements (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2597 - Creating a hunting permit to safely accommodate visually impaired hunters (SHOTT) (REGULAR)
- H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)
- H. B. 2732 - Defend the Guard Act (MCGEEHAN) (REGULAR)

- H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- H. B. 2953 - Permitting a critical access hospital to become a community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2976 - Economic Diversification Act of 2019 (CRISS) (REGULAR)
- Com. Sub. for H. B. 2980 - Mine Trespass Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3100 - Clarifying certain provisions of the Nonintoxicating Beer Act (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3103 - Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3116 - Removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growlers (HOWELL) (REGULAR)
- H. B. 3147 - Requiring the Board of Insurance and Risk Management purchase life insurance products from state resident agents (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2179 - Allowing nonmembers of a political party to request that party's partisan ballot at a primary election (SHOTT) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

WEDNESDAY, MARCH 6, 2019

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON EDUCATION
2:00 P.M. – ROOM 432M**

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