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FORTY-EIGHTH DAY

Monday, February 27, 2023

FORTY-EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Saturday, February 25, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Householder announced that H. B. 3018, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 2862 and H. B. 2878, on First Reading, House Calendar, had been transferred to the Special Calendar.

Messages from the Executive

and Other Communications

A communication from His Excellency, the Governor, advised that on February 22, 2023, he approved **H. B. 2602**.

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 10 was presented to the Governor on February 24, 2023.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 150 - "A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 268 - "A Bill to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, and §5-16-26 of the Code of West Virginia, 1931, as amended; to repeal §5-16-5b and §5-16-28 of said code; and to amend said code by adding thereto three new sections, designated §5-16-30, §5-16-31, and §5-16-32, all relating to

the West Virginia Public Employees Insurance Act”; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 423 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 462 - “A Bill to amend and reenact §17A-6A-3, §17A-6A-8a, §17A-6A-10, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to new motor vehicle dealers, distributors, wholesalers, manufacturers, factory branches, and distributor branches; defining terms; clarifying a manufacturer’s obligations for warranty and recall reimbursement to a new motor vehicle dealer; restricting manufacturer and distributor right of first refusal; identifying and clarifying unlawful and prohibited practices; and clarifying statutory authority of dealer data systems vendor agreements”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2023, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 469 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to providing funding for Cardiopulmonary Resuscitation Instruction Fund for instruction of public high school students”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 544 - “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931 as amended, relating to increasing the power purchase agreement (PPA) cap from 500 kW to 1,000 kW”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 558 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-6a, relating to prohibiting law enforcement agencies of the state from posting on social media the booking photographs of individuals alleged

to have committed a minor offense; providing exceptions; and requiring removal of booking photographs in certain instances”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 585 - “A Bill to amend and reenact §7-1-3 and §7-1-3ff of the Code of West Virginia, 1931, as amended, all relating to prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations; revoking any ordinance, rule, or regulation previously adopted by county commissions that exceeds state law, rule, or regulation regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization that prohibits or alters permissible use of federal or state pesticides, herbicides, or insecticides; prohibiting county commissions from adopting ordinances that regulate dwellings or other buildings on agricultural land or operations; and requiring appointment of at-large member on county enforcement agency to have background or knowledge of agricultural operations”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 619 - “A Bill to amend and reenact §18-5-46 of the Code of West Virginia, 1931, as amended, relating to allowing teachers in public schools that include any one or more of grades kindergarten through 12 to teach intelligent design as a theory of how the universe and/or humanity came to exist”; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 625 - “A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, regarding certain transcripts or credentials of microscool programs to be accepted as record of student's previous performance for placement and credit assignment”; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 665 - “A Bill to amend and reenact §30-37-2 and §30-37-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-37-13, all relating to licensure requirements; amending the required hours of coursework for therapist licensure; defining terms; requiring a license to operate a massage establishment; providing establishment license requirements; prohibiting certain acts; providing for massage establishment licensure renewal, suspension, and revocation; specifying exemptions; requiring certain establishment licensees to have continuing education; and providing emergency rule-making authority”; which was referred to the Committee on Government Organization.

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

Com. Sub. for S. B. 676 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-16b, relating to requiring a report on Medicaid fees for service and managed care provider reimbursements compared to PEIA, Medicare, and surrounding states"; which was referred to the Committee on Health and Human Resources.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Gearheart and Smith:

H. C. R. 56 – "Requesting the Division of Highways name Bridge Number: 28-034/01-002.89 (28A093), (37.34752, -81.10763) locally known as the Willowbrook Bridge, carrying CR 34/01 over Brush Creek in Mercer County, the 'George M. Hall Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegates Howell, Clark, Cannon, Fehrenbacher, Nestor, Lucas and Skaff:

H. C. R. 57 – "Requesting the Department of Economic Development to create a plan of incentives to encourage small businesses in highly regulated states to relocate to West Virginia"; to the Committee on Economic Development and Tourism then Rules.

By Delegates Jennings, Street, Storch, Barnhart, Reynolds, Cooper, Dittman, Smith, Jeffries, Tully and Hornby:

H. C. R. 58 – "Requesting the Division of Highways name Bridge Number: 39-051/00-000.13 (39A116), (39.34951, -79.66801) locally known as Rowlesburg W-Beam, carrying CR 51 over Cheat River in Preston County, the 'U. S. Army SSG Steven "Todd" Shay Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegates Howell, A. Hall, Clark, Dillon, Petitto, Storch, Ferrell, Fehrenbacher, Cannon, Nestor and Lucas:

H. C. R. 59 – "Requesting the Joint Committee on Government and Finance to study the feasibility of providing seed money to fund a proposed program to establish a motorsport events welcome center and implement a program to promote motorsport events in West Virginia; to the Committee on Economic Development and Tourism then Rules.

And,

By Delegates Howell, Clark, Petitto, Dittman, Ferrell, Hornby, E. Pritt, Hanna, Cannon, Thorne and W. Hall:

H. C. R. 60 – "Requesting the Joint Committee on Government and Finance study the economic and tourism impacts creating a cross state biking and hiking trail"; to the Committee on Economic Development and Tourism then Rules.

Motions

Delegate Dean asked and obtained unanimous consent to be removed as a cosponsor of Com. Sub. for H. B. 3095.

Delegate Lucas asked and obtained unanimous consent to be added as a cosponsor of H. B. 3203.

Delegate Ridenour asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 2953.

Special Calendar

Unfinished Business

The following resolutions, on unfinished business, were, in the absence of objection, considered en masse, and adopted:

H. C. R. 4, U. S. Army MSG Jon D. Wayt Memorial Bridge,

H. C. R. 9, U. S. Army PFC Walter C. Horner Memorial Bridge,

H. C. R. 10, Shelby “Cubby” Foster and Robert “Robbie” Collins Memorial Road,

H. C. R. 23, U.S. Army SGT Theron Turner Memorial Bridge,

H. C. R. 34, William N. “Shug” Kisner Memorial Bridge,

H. C. R. 41, U. S. Army PFC Herman H. Lucas Memorial Bridge,

H. C. R. 42, U. S. Army SSG William Joseph “Will” Thompson Memorial Bridge,

H. C. R. 43, U.S. Navy Quartermaster C.E. “Red” Landfried Memorial Bridge,

H. C. R. 45, Lewis Joseph D’Antoni Memorial Road,

H. C. R. 47, U. S. Army SGT Walter Hedrick Memorial Bridge,

H. C. R. 49, U. S. Army 1SG Elmer C. Lofton Memorial Bridge,

And,

H. C. R. 50, U. S. Army PVT Leon ‘Deacon’ Stover Memorial Bridge.

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

H. C. R. 40, USMC Larry Allen “Crocky” Holstein, Jr. Memorial Bridge; on unfinished business, was reported by the Clerk.

On motion of Delegates Toney and Cannon, the resolution was amended on page 1, line 3 following the word “USMC” by inserting “Corporal”.

And,

On page 2, line 9 following the word “USMC” by inserting “Corporal”.

And,

On page 2, line 12 following the word "USMC" by inserting "Corporal".

The resolution, as amended, was then adopted.

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

H. C. R. 44, U. S. Army PV2 Harold Richard Plumley Memorial Bridge; on unfinished business, was reported by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 287**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Ward.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

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

Third Reading

Com. Sub. for H. B. 2026, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time; 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. 288**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2026) passed.

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

Com. Sub. for H. B. 2122, Relating to custodial interrogation of a child; 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. 289**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Clark and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2122) passed.

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

Com. Sub. for H. B. 2305, Relating to titling and registration of foreign market vehicles; 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. 290**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Clark, Pushkin and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2305) passed.

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

Com. Sub. for H. B. 2305 – “A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-3A-3 of said code; and to amend and reenact §17C-16-4 of said code, all relating to foreign market vehicles at least 25 years old; defining a term; allowing foreign market vehicles at least 25 years old to be exempted from certain title requirements; providing that foreign market vehicles may be registered upon application and the payment of fees, including an additional fee; exempting foreign market vehicles that are at least 25 years old and titled in this state from safety-inspection requirements.”

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

Com. Sub. for H. B. 2860, To dispose of old AFFF foam accumulated by fire departments; 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. 291**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Clark and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2860) passed.

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

Com. Sub. for H. B. 2900, Relating to the Deputy Sheriff Retirement System; 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. 292**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2900) passed.

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

Com. Sub. for H. B. 2900 - "A Bill to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System; allowing certain retired members to be re-employed without the suspension of annuity benefits; and setting forth conditions for the re-employment of retired members."

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

On this question, the yeas and nays were taken (**Roll No. 293**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hornbuckle, C. Pritt and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2900) 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 H. B. 3042, Relating to forbidding excessive government limitations on exercise of religion; on third reading, coming up in regular order with amendments pending was reported by the Clerk.

Delegate Pushkin moved to amend the bill on page 2, section 1, line 22, following the period, by inserting a new subsection (d) to read as follows:

"(c) The provisions of this section do not apply to any federal, state or local non-discrimination law or ordinance."

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

The yeas and nays having been ordered, they were taken (**Roll No. 294**), and there were—yeas 11, nays 83, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Skaff, Walker and Williams.

Absent and Not Voting: Nestor, C. Pritt, Steele, Street, Ward and Young.

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

Delegate Pushkin moved to amend the bill on page 2, Section 1, line 22, following the period, by inserting a new subsection to read as follows:

“(c) Notwithstanding any provision of this section to the contrary, a local law or ordinance may be enacted by any political subdivision of this state to require any person providing any public service or accommodation that refuses to provide a service or accommodation to any member of the public based on him or her exercising his or her religious beliefs, to require that person post a sign of sufficient size and in a location visible to the public at the location where the service or accommodation is being provided, to notify members of the public that he or she will be refused service or accommodation based on the religious beliefs of the person providing that service or accommodation: *Provided*, That any penalty established for failure to post such sign may not exceed \$200.00 for each violation.”

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

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 295**), and there were—yeas 86, nays 12, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hansen, Hornbuckle, E. Pritt, Pushkin, Rowe, Skaff, Walker, Williams and Young.

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3042) passed.

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

Com. Sub. for H. B. 3095, Creating special revenue account known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund; on third reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System; 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. 296**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Longanacre, C. Pritt, E. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3211) passed.

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

Com. Sub. for H. B. 3232, Regulation of Sports Wagering; 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. 297**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dillon, Foggin, Street and Vance.

Absent and Not Voting: A. Hall, C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3232) passed.

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

H. B. 3244, Relating to Municipal Pensions Oversight Board proposing 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. 298**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3244) passed.

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

On this question, the yeas and nays were taken (**Roll No. 299**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3244) 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 H. B. 3254, Establishing the Hershel “Woody” Williams State Military Funeral Honor Guard; 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. 300**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3254) passed.

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

Com. Sub. for H. B. 3271, Relating to increasing monitoring of special education classrooms; 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. 301**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3271) passed.

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

Com. Sub. for H. B. 3280, Authorizing adjustment from federal adjusted gross income for certain law enforcement pension benefit payments; 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. 302**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3280) passed.

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

H. B. 3299, Relating to Natural Resource Police Officer Retirement; 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. 303**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3299) 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 H. B. 3299 – “A Bill to amend and reenact §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended; all relating to Natural Resource Police Officer Retirement System; authorizing the acceptance of gifts and additional contributions; and authorizing transfer of service credit under certain circumstances.”

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

Com. Sub. for H. B. 3363, Law Enforcement Officers Safety 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. 304**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3363) passed.

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

Com. Sub. for H. B. 3364, Requiring the closure of certain municipal policemen’s and firemen’s pension and relief funds as condition of issuance of pension funding revenue bonds; 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. 305**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3364) passed.

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

On this question, the yeas and nays were taken (**Roll No. 306**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Fehrenbacher, C. Pritt, Ward, Westfall and Zatezalo.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3364) takes effect from its passage.

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

H. B. 3432, Relating to statutory construction; 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. 307**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Fehrenbacher, C. Pritt, Ward, Westfall and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3432) passed.

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

On this question, the yeas and nays were taken (**Roll No. 308**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Fehrenbacher, C. Pritt, Ward, Westfall and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3432) 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 H. B. 3445, Relating generally to probation and parole; 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. 309**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Dillon, Gearheart, Keaton and Martin.

Absent and Not Voting: C. Pritt, Ward and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3445) passed.

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

H. B. 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 310**), and there were—yeas 91, nays 1, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Foggin, Garcia, Kirby, C. Pritt, Ross, Steele, Ward and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3519) passed.

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

On this question, the yeas and nays were taken (**Roll No. 311**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Foggin, Garcia, Kirby, C. Pritt, Ross, Steele, Ward and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3519) 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.

H. B. 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 312**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Garcia, Kirby, C. Pritt, Ward and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3520) passed.

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

On this question, the yeas and nays were taken (**Roll No. 313**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Garcia, Kirby, C. Pritt and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3520) 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.

H. B. 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 314**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Garcia, Kirby, C. Pritt and Ward.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3521) passed.

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

On this question, the yeas and nays were taken (**Roll No. 315**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Garcia, Kirby, C. Pritt and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3521) 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.

H. B. 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 316**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Kirby, C. Pritt and Ward.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3522) passed.

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

On this question, the yeas and nays were taken (**Roll No. 317**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3522) 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.

H. B. 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 318**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Coop-Gonzalez, Dillon, Foster, A. Hall, Horst, Kimble, Kirby, Longanacre, Ridenour, Thorne and Vance.

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3523) passed.

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

On this question, the yeas and nays were taken (**Roll No. 319**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Coop-Gonzalez, Dillon, A. Hall, Horst, Kimble, Kirby and Vance.

Absent and Not Voting: C. Pritt and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3523) 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.

H. B. 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 320**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster, Linville and Vance.

Absent and Not Voting: C. Pritt and Ward.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3528) passed.

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

On this question, the yeas and nays were taken (**Roll No. 321**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon, Linville and Vance.

Absent and Not Voting: Mallow, C. Pritt and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3528) 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.

H. B. 3554, Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property; on third reading, coming up in regular order, was reported by the Clerk.

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

At 2:17 p.m., on motion of Delegate Householder, the House of Delegates recessed until 5:30 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.

At the request of Delegate Householder, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Rules has had under consideration:

Com. Sub. for H. C. R. 31, Permitting the West Virginia Department of Tourism to proceed with procuring bids/interest in companies to place a lodge on the property of Beech Fork Lake,

H. R. 11, Reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan,

And,

H. R. 17, Urging the West Virginia Geologic and Economic Survey to work with groups to evaluate policy options to encourage the capture and beneficial use of coal mine methane,

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

At the respective requests of Delegate Householder, and by unanimous consent, H. R. 11 was taken up for immediate consideration, and adopted.

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 270, Adding exemption to permit requirement for cremation,

Com. Sub. for S. B. 300, Relating to law-enforcement training and certification,

S. B. 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program,

And,

S. B. 553, Allowing for evaluation of prequalified bidders to be based on best value,

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

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

Your Committee on Finance has had under consideration:

H. B. 3153, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3153 – “A Bill to amend and reenact §16-4C-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3E-7 of said code to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to certain taxes and surcharges to benefit certain emergency service providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in Fire Protection Fund; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and providing requirements for distribution of funds in Fire Protection Fund,”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for H. B. 3153) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration:

S. B. 136, Requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have treatment plan to be eligible for probation,

Com. Sub. for S. B. 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders,

And,

S. B. 276, Awarding service weapon of retiring State Fire Marshal,

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

Delegate Clark asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 2953.

Delegate Linville asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 3480.

Special Calendar

-Continued-

Second Reading

Com. Sub. for H. B. 2814, To create a Hydrogen power task force; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR; on second reading, coming up in regular order, was read a second time.

On motion Delegate Burkhammer, the bill was amended on page 2, section 114, line 21, immediately following the word "parents" by striking the new language and inserting in lieu thereof the following:

"A circuit judge may determine the placement of a child for adoption by a grandparent or grandparents is in the best interest of the child without the grandparent or grandparents completing or passing a home study evaluation."

The bill was then ordered to engrossment and third reading.

H. B. 2906, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2915, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2953, Creating the Commission on Cost-of-Living Adjustments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2989, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3035, Relating generally to high-quality education programs and school operations; on second reading, coming up in regular order, was read a second time.

Delegates Ellington, Jennings, Statler, Toney, Hornby, Clark, Mazzocchi, Thorne and Ferrell moved to amend the bill on page 1, after the enacting clause by striking out the remainder of the committee substitute and inserting, in lieu thereof, the following:

“CHAPTER 18. EDUCATION.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-10. ~~Transformative system of support for early literacy~~ Multi-tiered system of support intervention for grade level literacy and numeracy by the end of the third grade; screener and/or benchmark assessments; pre-service and in-service teacher training; notice to parent or guardian; third grade retention policy with exceptions; interventions continuing in fourth grade for students below proficient.

(a) The Legislature finds that:

(1) In the early learning years, ensuring that each student masters the content and skills needed for mastery at the next grade level is critically important for student success;

(2) Students who do not demonstrate grade-level proficiency in reading and mathematics by the end of third grade become increasingly less likely to succeed at each successive grade level and often drop out of school prior to graduation;

(3) State board policy requires every school to establish a process for ensuring the developmental and academic progress of all students. This process is to be coordinated by a school student assistance team that reviews student developmental and academic needs that have persisted despite being addressed through instruction, intervention, and as applicable, supports for personalized learning. Ensuring the developmental and academic success of all students requires every school to implement, in an equitable manner, programs during and after the instructional day at the appropriate instructional levels that contribute to the success of students; and

(4) To ensure that all students read and perform mathematics proficiently by the end of third grade, a statewide comprehensive approach to early literacy and numeracy is required. This approach shall focus on intensive supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

(b) The state board shall, in accordance with ~~the provisions of article three-b, chapter twenty-nine-a §29A-3B-1 et seq.~~ of this code, promulgate legislative rules as necessary to effectuate the provisions of this section. The rules shall provide for at least the following:

(1) Development of a statewide comprehensive, systemic approach to close the reading and mathematics achievement gap gaps by the end of the third grade utilizing instructional materials and methods for reading that are based upon the science of reading instruction (phonics, phonemic awareness, vocabulary, fluency, and comprehension). The comprehensive, systemic approach also shall which targets target school readiness, the attendance gap, summer learning loss and a transformative intervention framework for student and learning supports implement a multi-tiered system of support intervention framework as set forth in this section;

(2) Ensuring all West Virginia children have access to high quality early learning experiences that focus on healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

(3) Closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades;

(4) Assisting county boards in establishing and operating a multi-tiered system of support intervention that includes targeted, sustained extended day and extended year reading and mathematics programs to ensure grade level proficiency and battle summer learning loss;

(c) The multi-tiered system of support intervention framework provided in the state board's best practice document shall include the identification and monitoring of the progress of students in grades pre-kindergarten through three toward achieving grade level proficiency in English language arts and mathematics which shall consist of at least the following:

(1) The use of screener assessments in grades kindergarten through two and benchmark assessments in grade three that are statistically valid and reliable to identify students with substantial reading and numeracy deficiencies. The State Board shall adopt an approved list of not more than three screener assessments for school district use for screening and monitoring student progress. In determining which screener assessments to approve for use by school districts, the Department shall also consider, at a minimum, the following factors:

(A) The time required to conduct the assessment, with the intention of minimizing the impact on instructional time;

(B) The timeliness in reporting assessment results to teachers, administrators, and parents; and

(C) The integration of assessment and instruction the system provides.

(2) The state board shall develop a best practice document that:

(A) Includes a comprehensive list of no more than three approved screener assessments that allow teachers to target instruction based on student needs. In addition, benchmark assessments for grade three shall also be included in the comprehensive list, ensuring that they are aligned to standards. Should the grade three student not perform at a satisfactory level, then the student may be screened for any exceptionalities that may be impacting their learning. The spring assessment in the third grade shall be the standardized comprehensive statewide student assessment program aligned to the core curricular content adopted by the State Board; and

(B) Provides reading assessments in all grade levels that measure, at a minimum, phonics, phonemic awareness, vocabulary, fluency and comprehension and shall identify students who have a reading deficiency and students with characteristics of dyslexia.

(3) The State Board shall establish the cut scores for each screener for grade levels kindergarten-two. Additionally, the State Board shall establish the cut scores for benchmark assessments utilized but not limited to third grade to define the score used to identify students with a substantial deficiency in reading or numeracy for each data collection point during the school term.

(4) Students exhibiting a substantial deficiency in reading or numeracy through a screener or benchmark assessment shall receive:

(A) Intensive instruction and intervention immediately following the identification that is targeted at the deficiency or deficiencies identified by the screener or benchmark assessment;

(B) A personalized learning plan outlining goals, methods for monitoring progress, and additional instructional services and interventions needed to address the deficiency or deficiencies; and

(C) In the case of reading deficiencies, instructional materials and methods that utilize the science of reading (phonics, phonemic awareness, vocabulary, fluency and comprehension).

(5) Students who continue to exhibit a substantial deficiency in reading or numeracy after intensive instruction and intervention for more than three grading periods shall be referred to the school's student assistance team to examine additional options for the student. Students may be referred to the school's student assistance team earlier if deemed appropriate by the request of either the teacher or the student's parent or guardian.

(d) The document addressing multi-tiered system of support intervention framework also shall include maximizing family engagement to result in the development of a culture of literacy and numeracy from birth through third grade which shall at least include:

(1) Ensuring the parent or guardian is informed of and has access to resources that they may utilize to improve their child's literacy and numeracy skills;

(2) Ensuring the parent or guardian is informed of the importance of grade level literacy and numeracy by the end of the third grade and the measures that will be employed pursuant to this section to improve the literacy and numeracy skills of children who are not meeting the standards, as well as the grade three retention policy and the exceptions; and

(3) Immediately upon the determination of a substantial reading and/or numeracy deficiency through the use of screener and/or benchmark assessments as provided in subsection (c) of this section, the student's parent or guardian shall be notified in writing of the following:

(A) That the student has been identified as having a substantial deficiency in reading and/or numeracy;

(B) A description of the intensive instruction and intervention that will be provided to the student;

(C) A description of the personalized learning plan for the student outlining goals, methods for monitoring progress, and additional instructional services and interventions needed to address the deficiency or deficiencies;

(D) Strategies for the parent or guardian to use at home to help their child succeed in reading and/or mathematics; and

(E) That if the child's reading and/or mathematics deficiency is not corrected by the end of grade three, the child may not be promoted to grade four unless an exemption is met.

(6) (e) The multi-tiered system of support intervention framework also shall include supporting high quality schools and a high quality educator workforce prepared to address early literacy and numeracy identification of interventions, and implementation of a system of intervention for children not reaching grade level proficiency including, but not limited to, professional learning for teachers and early childhood classroom assistant teachers as appropriate, on the following:

(1) The administration and use of state board approved screener and benchmark assessments to ensure teachers have the knowledge and skills to administer the assessments and use the data to inform instruction based on student needs;

(2) Comprehensive training on the science of reading and numeracy instruction to ensure all teachers have the knowledge and skill to teach all students to read and perform mathematics at grade level, including students with dyslexia and dyscalculia. The comprehensive training on the science of reading shall include explicit and systematic instruction in phonics, phonemic awareness, vocabulary, fluency, comprehension, and building content knowledge, to ensure all teachers have the knowledge and skill to teach all students to read, including students with dyslexia; and

(3) Job-embedded, on-site teacher training on evidence-based reading and numeracy instruction and data-based decision making that provides immediate feedback for improving instruction including job-embedded coaching support for K-3 reading teachers.

(7) (f) The multi-tiered system of support intervention framework also shall include ensuring the employment of qualified teachers and service personnel in accordance with the provisions of section thirty nine, article five of this chapter and section seven c, article four, chapter eighteen a §18-5-39 and §18A-4-7c of this code to provide instruction to students enrolled in early literacy support programs childhood grades including, but not limited to, ensuring that educator preparation programs prepare candidates seeking licensure for elementary education with training and instruction to:

(1) Understand the science of reading and numeracy instruction to ensure all teachers have the knowledge and skill to teach all students to read and perform mathematics at grade level. The training on the science of reading shall include explicit and systematic instruction in phonics, phonemic awareness, vocabulary, fluency, comprehension, and building content knowledge, to ensure all teachers have the knowledge and skill to teach all students to read, including students with dyslexia;

(2) Effectively teach foundational reading and mathematics skills and implement reading instruction using high-quality instructional materials;

(3) The administration and use of state board approved screener and benchmark assessments to ensure teachers have the knowledge and skills to administer the assessments and use the data to inform instruction based on student needs;

(4) Provide effective instruction and interventions for students with reading and math deficiencies, including students with characteristics of dyslexia or dyscalculia; and

(5) Understand and use student data to make instructional decisions.

(4) (g) The multi-tiered system of support intervention framework also shall include:

(1) Creating a formula or grant-based program for the distribution of funds appropriated specifically for the purposes of this section or otherwise available for the support of a targeted, multi-tiered system of support intervention comprehensive system of support for early literacy and numeracy including:

~~(9)~~ (A) Providing support for transportation and healthy foods for students required to attend after-school and extended year early literacy and numeracy instructional support programs and supervision at the school that accommodates the typical work schedules of parents; and

~~(40)~~ (B) Receiving from county boards any applications and annual reports required by rule of the state board.

~~(e)~~ (h) A student in grades kindergarten through three who is recommended by the student assistance team or the student's classroom teacher for additional assistance in one or more of the key standards of English Language Arts including reading, speaking and listening, writing or language may be required to attend an extended year early literacy and numeracy instructional support program as a condition for promotion if:

(1) The student has been provided additional academic help through the multi-tiered system of support intervention which may include an in-school or after-school early literacy and numeracy instructional support program and, prior to the end of the school year, the student assistance team or the student's classroom teacher recommends that further additional academic help is needed for the student to be successful at the next grade level; and

(2) The county board has established an a multi-tiered system of support intervention for early literacy and numeracy instructional support program during the extended year for the student's grade level.

~~(d)~~ (i) County boards shall provide high-quality educational facilities, equipment, and services to support a multi-tiered system of support intervention for early literacy and numeracy instructional support programs established pursuant to this section. Extended year programs may be provided at a central location for kindergarten through third graders who qualify for the program.

~~(e)~~ (j) This section may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student in any of the grade's pre-kindergarten through grade three based upon the student's lack of mastery of the subject matter and preparation for the subject matter at the next grade level. In addition to comprehensive materials including report cards, personalized learning plans with goals for individual students, and classroom work-samples, data

from the screener and benchmark assessments may also be used to inform the classroom teacher's recommendation.

(f) (k) This section may not be construed to affect the individualized education plans of exceptional students.

(g) (l) This section may not be construed to limit the authority of the county board to establish an extended year program in accordance with ~~section thirty-nine, article five of this chapter~~ §18-5-39 of this code. County boards may not charge tuition for enrollment in early literacy and numeracy instructional support programs established pursuant to this section.

(h) (m) Each county board shall ~~prepare to~~ implement the provisions of this section and the provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall at least include planning, ensuring~~ The county board shall establish a process for ensuring the developmental and academic progress of all students through the auspices of student assistance teams as currently required by state board policy and ~~performing~~ perform a needs assessment to determine the potential capacity requirements for the system of support for early learners.

(i) (n) The state board shall provide a report describing the ~~proposed~~ implementation of the ~~transformative system of support~~ multi-tiered system of support intervention for early literacy and numeracy to the Legislative Oversight Commission on Education Accountability on or before ~~July 1, 2014~~ July 1, 2023.

(j) (o) The state board shall provide a comprehensive report regarding the status of the ~~transformative system of support~~ multi-tiered system of support intervention for early literacy and numeracy to the Legislative Oversight Commission on Education Accountability, the Joint Committee on Government and Finance, and the Governor on ~~November 1, 2014~~ November 1, 2023, and annually on November 1 on each year thereafter. The report shall address, at a minimum, the progress of the program throughout the state, its effect on student achievement and the sources of the funding both available to and used by the program. If the state board determines that additional funds are needed beginning in the 2024-2025 school year to complete implementation of the multi-tiered approach addressing literacy and numeracy initiative, they shall submit a written request for additional funding to the Legislative Oversight Commission on Education Accountability and the Committee on Government and Finance in its November 1, 2023 report.

(k) (p) The State Department of Education Early Literacy Program and Math Program shall be used for the implementation of the provisions of this section along with other funds available for providing a high-quality education. The provisions of this section are subject to the availability of funds from legislative appropriation or other sources specifically designated for the purposes of this section. If a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once the county board determines that adequate funds are available.

(q) Effective for the school year beginning July 1, 2026, and thereafter, a public school student who generally demonstrates a minimal understanding of, and ability to apply, grade level English language arts or mathematics knowledge, skills and abilities, or both, relative to the West Virginia College and Career Readiness Standards at the end of the third grade shall, upon the

recommendation of the teacher and the student assistance team, be retained in the third grade for the ensuing school year subject to the following exceptions:

(1) A student identified as an English language learner who has had less than three years instruction in English as a second language;

(2) A student with disabilities who participates in the statewide summative assessment, or alternative standardized assessment, has an Individual Education Plan or section 504 plan that reflects that the student has received intensive intervention for more than two years and still demonstrates a deficiency and who was previously retained in any of the grades pre-kindergarten through three;

(3) A student who is in the process of a special education referral or evaluation for placement in special education, has been diagnosed as having a significant impairment, including dyslexia or dyscalculia, or is a child with a disability if the student's individualized education program team and the student's parent or guardian agree that promotion is appropriate based on the student's Individualized Education Plan;

(4) A student who has received intensive intervention for two or more years, still demonstrates a deficiency and who was previously retained in any of the grades pre-kindergarten through three for a total of two years: *Provided*, That the student shall continue to receive intensive intervention in grade four;

(5) A student who demonstrates an acceptable level of performance on an alternative standardized assessment approved by the State Board;

(6) A student who attends an extended year learning program following the third grade and has attained proficiency; or

(7) The parent or guardian of a student requests promotion of their child to the fourth grade notwithstanding the recommendation of the teacher and the student assistance team: *Provided*, That the child is encouraged to attend an extended year program prior to promotion to the fourth grade.

(r) Beginning in fourth grade, students who score below proficient in English language arts or mathematics on the standardized comprehensive Statewide Student Assessment Program assessment aligned to the core curricular content adopted by the State Board shall continue to be provided targeted and intensive intervention through a multi-tiered system of support until the student demonstrates grade level proficiency in English language arts and mathematics on the West Virginia General Summative Assessment.

§18-2E-13. Grow Your Own West Virginia Pathway to Teaching Pilot Program.

(a) *Definitions.* – As used in this section, unless used in a context that clearly requires a different meaning, the term:

"Applicant" means a county school district or a public charter school, established in accordance with the provisions of §18-5G-1 *et. seq.* of this code, acting in partnership with an eligible institution;

"Candidate" means a student enrolled in a public school or post-secondary institution of higher learning in West Virginia; and

"Eligible institution" means a state institution of higher education as that term is defined in §18B-1-2 of this code.

(b) *Grow Your Own West Virginia Pathway to Teaching Pilot Program established.* – In conjunction with the state board and under the supervision of the Department of Education, the state superintendent shall establish a three-year pilot program whereby applicants shall offer a pathway to facilitate a career path for candidates to pursue a career in education with progression from high school to postsecondary degree with classroom experience and employment. Program opportunities include, but are not limited to:

(1) Dual credit pathways that allow a candidate to obtain his or her education degree after three years at an eligible institution;

(2) Apprenticeship opportunities through the United States Department of Labor that provide a candidate paid field experience;

(3) Residency as the teacher of record during the candidate's last year at an eligible institution; and

(4) Preferential hiring status.

(c) *Funding.* – From appropriations to the department for the purposes of implementing and administering the program, the department shall award funds to applicants from such appropriations in accordance with the program rules established pursuant to subsection (d) of this section.

(d) *Rulemaking.* – The state board shall promulgate legislative rules pursuant to §29A-3B-1 et seq. of this code to implement the provisions of this section.

(e) *Annual reports.* – By December 1, 2024, and annually thereafter for the duration of the pilot program, the state superintendent shall report to the Legislative Oversight Commission on Education Accountability on:

(1) The number of students participating in the program;

(2) The number and type of credits and certifications or credentials earned by students who have participated in the program;

(3) The dollar amount expended associated with the program;

(4) Projected growth in the program and funding needs for the next year;

(5) The job status of students who have participated in the program;

(6) Any issues with the program reported by students, parents, and applicants; how these issues are being addressed; and whether the issues require legislative action; and

(7) A recommendation from the state superintendent on whether the program should continue beyond its three-year pilot period.

ARTICLE 5. COUNTY BOARD OF EDUCATION.**§18-5-18a. Maximum teacher-pupil ratio.**

(a) County boards of education shall provide sufficient personnel, equipment, and facilities as will ensure that each ~~first through sixth grade~~ classroom, or classrooms having two or more grades that include one or more of the first pre-kindergarten through sixth grades shall not have more than 25 pupils for each teacher of the ~~grade or grades~~ and shall not have more than 20 pupils for each kindergarten teacher per session as follows, unless the state superintendent has excepted a specific classroom upon application therefor by a county board as provided in this section:

(1) For pre-kindergarten, not more than 20 pupils for each teacher and one early childhood classroom assistant teacher;

(2) For kindergarten, not more than 20 pupils for each teacher and one early childhood classroom assistant teacher in classrooms with more than 10 pupils;

(3) For first, second and third grades, not more than 25 pupils for each teacher;

(4) For the school year beginning July 1, 2026, for first, second and third grades, not more than 25 pupils for each teacher and, in classrooms with more than 12 pupils, one early childhood classroom assistant teacher or other more highly credentialed professional, interventionist, or paraprofessional employee. When implementing these limits from funding allocated through the Public School Support Program in accordance with §18-9A-1 *et seq.* of this code, county boards have the discretion to add the assistant teachers or employees in schools or classrooms of the greatest need; and

(5) For grades four, five and six, not more than 25 pupils for each teacher.

(b) County school boards may not maintain a greater number of classrooms having two or more grades that include one or more of the grade levels referred to in this section than were in existence in said county as of January 1, 1983.

(c) The state superintendent is authorized, consistent with sound educational policy, to:

(1) Permit on a statewide basis, in grades four through six, more than 25 pupils per teacher in a classroom for the purposes of instruction in physical education; and

(2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25 pupils per teacher in a specific classroom in grades four through six during a school year in the event of extraordinary circumstances as determined by the state superintendent after application by a county board of education.

(d) The state board shall establish guidelines for the exceptions authorized in this section, but in no event shall the superintendent except classrooms having more than three pupils above the pupil-teacher ratio as set forth in this section.

(e) The requirement for approval of an exception to exceed the 20 pupils per kindergarten teacher per session limit or the 25 pupils per teacher limit in grades ~~one~~ four through six is waived in schools where the schoolwide pupil-teacher ratio is 25 or less in grades ~~one~~ four through six: *Provided*, That a teacher shall not have more than three pupils above the teacher/pupil ratio as

set forth in this section. Any kindergarten teacher who has more than 20 pupils per session and any classroom teacher of grades ~~one~~ four through six who has more than 25 pupils, shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by 20 for kindergarten teachers, or 25 for teachers of grades ~~one~~ four through six, for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid from county funds exclusively.

~~Notwithstanding any other provision of this section to the contrary, commencing with the school year beginning on July 1, 1994, a teacher in grades one, two or three or classrooms having two or more such grade levels, shall not have more than two pupils above the teacher/pupil ratio as set forth in this section: *Provided*, That commencing with the school year beginning on July 1, 1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth in this section: *Provided, however*, That commencing with the school year beginning on July 1, 1996, such teacher shall not have any pupils above the teacher/pupil ratio as set forth in this section.~~

(f) No provision of this section is intended to limit the number of pupils per teacher in a classroom for the purpose of instruction in choral, band or orchestra music.

(g) Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable differences due to subject areas and/or grade levels.

(h) The state board shall collect from each county board of education information on class size and the number of pupils per teacher for all classes in grades seven through 12. The state board shall report such information to the Legislative Oversight Commission on Education Accountability before January 1, of each year.

~~(i) The West Virginia Department of Education shall survey districts to determine those grade levels, content areas, and geographic locations where class overcrowding is impeding student achievement and report to the Legislature by July 1, 2020 a tailored plan for reducing class overcrowding in such areas.~~

~~The study shall include, but is not limited to, an examination of the following issues:~~

~~(1) The effect on student learning of limits on the number of pupils per teacher in a classroom in elementary classes and in a middle and high school format in which students have different teachers for different subject matter instruction;~~

~~(2) The effect on the equity among teachers in a middle school in which the number of pupils per teacher in a classroom is limited for some teachers and not for others, including the additional pay for certain teachers in whose classrooms the limits are exceeded; and~~

~~(3) The effect limits on the number of pupils per teacher in a classroom have on the ability of school systems to offer elective courses in secondary school.~~

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-5. Foundation allowance for service personnel.

(a) The basic foundation allowance to the county for service personnel shall be the amount of money required to pay the annual state minimum salaries in accordance with the provisions of article four, chapter eighteen-a of this code, to such service personnel employed, subject to the following:

(1) A county shall receive an allowance for state aid eligible service personnel positions per 1,000 students in net enrollment, as follows:

(A) For each high-density county, ~~forty three and ninety seven one hundredths 43.97~~ service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.39 beginning July 1, 2023; 50.65 beginning July 1, 2024; and 53.79 beginning July 1, 2025;

(B) For each medium-density county, ~~forty four and fifty three one hundredths 44.53~~ service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.95 beginning July 1, 2023; 51.21 beginning July 1, 2024; and 54.35 beginning July 1, 2025;

(C) For each low-density county, ~~forty five and one tenth 45.10~~ service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92 beginning July 1, 2025;

(D) For each sparse-density county, ~~forty five and sixty eight one hundredths 45.68~~ service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 49.10 beginning July 1, 2023; 52.36 beginning July 1, 2024; and 55.50 beginning July 1, 2025; and

(E) For any service personnel positions, or fraction thereof, determined for a county pursuant to subdivision (1) of this subsection that exceed the number employed, the county's allowance for these positions shall be determined using the average state funded minimum salary of service personnel for the county;

(2) The number of and the allowance for personnel paid in part by state and county funds shall be prorated; and

(3) Where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the service personnel for the school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that the personnel shall be considered within the above-stated limit.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-9. Authority of early childhood classroom assistant teachers to exercise control over students; limitations.

(a) Within the limitations provided in this section, an early childhood classroom assistant teacher shall stand in the place of the parent or guardian and shall exercise such authority and control over students as is required of a teacher as provided in section one of this article. The principal shall enumerate the instances in which the authority shall be exercised by an early childhood classroom assistant teacher when requested by the principal, assistant principal or professional employee to whom the assistant teacher is assigned.

(b) The authority provided for in subsection (a) of this section does not extend to suspending or expelling any student, participating in the administration of corporal punishment, or performing instructional duties as a teacher or substitute teacher.

(c) An early childhood classroom assistant teacher may not be required by the operation of this section to perform noninstructional duties for an amount of time which exceeds that required under the assistant teacher's contract of employment or that required of other early childhood classroom assistant teachers in the same school unless the assignment of the duties is mutually agreed upon by the assistant teacher and the county superintendent, or the superintendent's designated representative, subject to county board approval.

(1) The terms and conditions of the agreement shall be in writing, signed by both parties, and may include additional benefits.

(2) The agreement shall be uniform as to early childhood classroom assistant teachers assigned similar duties for similar amounts of time within the same school.

(d) The county board shall provide in-service training for early childhood classroom assistant teachers specifically related to literacy, numeracy and their responsibilities and appropriate measures for exercising authority and control over students as required under this section.

(e) The county board shall provide in-service training for classroom teachers in grades pre-kindergarten through three to help the classroom teachers gain a strong understanding of how to best utilize the early childhood classroom assistant teachers during classroom instruction and during other periods of the day."

An amendment sponsored by Delegate Dillon was reported by the Clerk.

Delegate Dillon asked and obtained unanimous consent that the amendment be withdrawn.

Delegate Dillon moved to amend the amendment on page 13 following line 41 by inserting the following language:

"(f) A student enrolled in a West Virginia public school shall not be prohibited from participating in the program described in this section known as the Grow Your Own West Virginia Pathway to Teaching Pilot Program, nor any other educational program or school-sponsored club or activity, nor discriminated against in any form, based on the student's immunization status. No present or prospective student in West Virginia public schools shall be denied enrollment based on student's immunization status."

Delegate Ellington arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that this amendment was not germane but that the next amendment was germane.

Delegate Dillon moved to amend the bill on page 13 following line 41 by inserting the following language:

“(f) No present or prospective student enrolled in a West Virginia public school shall be prohibited from participating in the program described in this section known as the Grow Your Own West Virginia Pathway to Teaching Pilot Program, nor discriminated against in any form, based on the student's immunization status.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 322**), and there were—yeas 22, nays 64, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Butler, Chiarelli, Coop-Gonzalez, Dean, Dillon, A. Hall, Jeffries, Kimble, Kirby, Linville, Longanacre, Marple, McGeehan, Miller, Phillips, Pinson, C. Pritt, Ridenour, Ross and Vance.

Absent and Not Voting: Barnhart, Bridges, Cooper, Foggin, Foster, Griffith, Hanna, Honaker, Keaton, Kump, Martin, Steele, Ward and Worrell.

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

The question before the House being the adoption of the amendment offered by Delegate Ellington, the same was put and adopted.

H. B. 3066, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3072, Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3084, Relating to revising provisions related to public charter schools; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3146, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3156, Raising the compensation rates of panel attorneys; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3224, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3270, To amend the deliberate intent statute to limit noneconomic damages to \$250,000; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3315, Relating generally to readiness enhancement and commission bonuses; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3330, Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election; on second reading, coming up in regular order, was reported by the Clerk.

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

H. B. 3331, Relating generally to support staff in the family courts and magistrate courts of this state; on second reading, coming up in regular order, was read a second time.

Delegate Statler moved to amend the bill on page 6, section 9, line 9,

50-1-9d

“Notwithstanding any other provisions of this article to the contrary, the allowable number of magistrates serving in the county of Monongalia shall be increased by one, effective July 1, 2023. The initial appointment for the position shall be made in accordance with the provisions of §50-1-6 of this code.”

Delegate Capito arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

Com. Sub. for H. B. 3332, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election; on second reading, coming up in regular order, was reported by the Clerk.

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

H. B. 3342, Relating to cooperation between municipal and county economic development authorities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3360, Creating an office of the Inspector General within the Department of Homeland Security; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Summers and Kelly the bill was amended on page 3, line 48, by striking subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

“(1) The Inspector General shall be appointed by the secretary, but may be removed by the Secretary only for:

(A) Misconduct in office;

(B) Persistent failure to perform the duties of the Inspector General; or

(C) Conduct prejudicial to the proper administration of justice.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 3369, Creating a School Safety Unit within the Division of Protective Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 3370, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3439, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page 1, line 5, by striking “No child placing agency is liable for civil damages or injuries in excess of the amounts for which the person or entity is actually insured.” and replacing in lieu of “No program or service provided by a licensed child welfare entity is liable for civil damages in excess of \$1,000,000, per incident, unless the damages or injuries are intentionally or maliciously inflicted.”

The bill was then ordered to engrossment and third reading.

H. B. 3443, Relating to a development or improvement on land subject to review by the State Historic Preservation Office; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3464, Relating to the transfer of certain revenues derived from lottery activities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3509, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund; on second reading,

coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3510, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3526, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3527, Supplementing and amending appropriations to Department of Education, School Building Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3529, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 3559, Relating to defining a newborn safety device; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Westfall, the bill was amended on line 21 by inserting the following language:

“(C) Notify a centralized location in the facility within 30 seconds of a child being placed in the device;

“(D) Trigger a 911 call if staff at the facility do not respond within 30 minutes after a child is placed in the device.”

The bill was then ordered to engrossment and third reading.

H. B. 3560, Relating to expanding the definitions of land and recreational purposes; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2862, Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments,

H. B. 2878, To grant the Fleet Management Division oversight authority of the state vehicle fleet,

H. B. 2939, Relating to filing of lien by municipalities for collection of refuse fees,

Com. Sub. for H. B. 2992, Clarifying and updating school bus rules and the types of vehicles covered,

Com. Sub. for H. B. 3049, To create the American Campuses Act,

Com. Sub. for H. B. 3133, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state,

Com. Sub. for H. B. 3135, To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025,

H. B. 3203, Relating generally to West Virginia Real Estate License Act,

Com. Sub. for H. B. 3303, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office,

Com. Sub. for H. B. 3313, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute,

Com. Sub. for H. B. 3344, To pay certain moral obligations of the state,

Com. Sub. for H. B. 3354, To authorize municipalities to combine operations with other municipalities and counties to provide governmental services,

H. B. 3371, Relating to federal funds for land-grant institutions,

Com. Sub. for H. B. 3405, Change the maximum time period of a protective order to one year,

H. B. 3451, Updating the veteran preference ratings in state code for state employment,

Com. Sub. for H. B. 3480, Enact the West Virginia Consumer Financial Privacy Act of 2023,

H. B. 3500, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office,

H. B. 3561, Relating generally to creating the Joint Legislative Committee on Civic Life.

And,

H. B. 3562, Relating to the West Virginia Fusion Center.

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leave of absence for the day were granted Delegate Ward.

Miscellaneous Business

Delegate E. Pritt noted to the Clerk that he was absent when the vote was taken on Com. Sub. for H. B. 3341 on February 25, 2023, and had he been present, he would have voted "Nay" thereon.

Pursuant to House Rule 94b, forms 2343 filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 3153: Delegate Rowe;

H. B. 3410: Delegate Adkins;

And,

H. B. 3533: Delegate Adkins.

At 6:48 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 28, 2023.

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

SPECIAL CALENDAR

Tuesday, February 28, 2023

49th Day

11:00 A. M.

UNFINISHED BUSINESS

- H. R. 17 - Urging the West Virginia Geologic and Economic Survey to work with groups to evaluate policy options to encourage the capture and beneficial use of coal mine methane
- Com. Sub. for H. C. R. 31 - Permitting the West Virginia Department of Tourism to proceed with procuring bids/interest in companies to place a lodge on the property of Beech Fork Lake.

THIRD READING

- Com. Sub. for H. B. 2814 - To create a Hydrogen power task force (ANDERSON) (REGULAR)
- H. B. 2875 - Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR (CAPITO) (REGULAR)
- H. B. 2906 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2910 - Making a supplementary appropriation to the Department of Administration, Public Defender Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 2915 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2953 - Creating the Commission on Cost-of-Living Adjustments (CRISS) (REGULAR)
- Com. Sub. for H. B. 2989 - Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3035 - Relating generally to high-quality education programs and school operations (CRISS) (REGULAR)

- H. B. 3066 - Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3072 - Supplementing and amending appropriations to Department of Homeland Security, Division of Administrative Services (CRISS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3084 - Relating to revising provisions related to public charter schools (ELLINGTON) (JULY 1, 2023)
- Com. Sub. for H. B. 3095 - Creating special revenue account known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund (ELLINGTON) (REGULAR)
- H. B. 3146 - Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act (CAPITO) (REGULAR)
- H. B. 3156 - Raising the compensation rates of panel attorneys (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3224 - Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients (CRISS) (REGULAR)
- Com. Sub. for H. B. 3270 - To amend the deliberate intent statute to limit noneconomic damages to \$250,000 (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3315 - Relating generally to readiness enhancement and commission bonuses (CRISS) (REGULAR)
- H. B. 3331 - Relating generally to support staff in the family courts and magistrate courts of this state (CAPITO) (REGULAR)
- H. B. 3342 - Relating to cooperation between municipal and county economic development authorities (CRISS) (REGULAR)
- H. B. 3360 - Creating an office of the Inspector General within the Department of Homeland Security (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3369 - Creating a School Safety Unit within the Division of Protective Services (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3370 - Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts (CRISS) (REGULAR)
- H. B. 3396 - Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways (CRISS) (EFFECTIVE FROM PASSAGE)

- H. B. 3439 - To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident (CAPITO) (REGULAR)
- H. B. 3443 - Relating to a development or improvement on land subject to review by the State Historic Preservation Office (HOWELL) (REGULAR)
- H. B. 3464 - Relating to the transfer of certain revenues derived from lottery activities (CRISS) (REGULAR) [FINANCE COMMITTEE TITLE AMENDMENT PENDING]
- H. B. 3509 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3510 - Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3526 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3527 - Supplementing and amending appropriations to Department of Education, School Building Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3529 - Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3554 - Relating to prohibiting a municipality or the governing body of any municipality from limiting rental of a property (HOWELL) (REGULAR)
- H. B. 3559 - Relating to defining a newborn safety device (CAPITO) (REGULAR)
- H. B. 3560 - Relating to expanding the definitions of land and recreational purposes (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2862 - Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments (CAPITO) (REGULAR)
- H. B. 2878 - To grant the Fleet Management Division oversight authority of the state vehicle fleet (PHILLIPS) (REGULAR) [GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING]
- H. B. 2939 - Relating to filing of lien by municipalities for collection of refuse fees (CAPITO) (REGULAR)

- Com. Sub. for H. B. 2992 - Clarifying and updating school bus rules and the types of vehicles covered (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3049 - To create the American Campuses Act (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3133 - Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state (CRISS) (REGULAR)
- Com. Sub. for H. B. 3135 - To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025 (CRISS) (REGULAR)
- Com. Sub. for H. B. 3153 - Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers (CRISS) (REGULAR)
- H. B. 3203 - Relating generally to West Virginia Real Estate License Act (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3303 - Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office (CRISS) (REGULAR)
- Com. Sub. for H. B. 3313 - Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute (CAPITO) (REGULAR)
- H. B. 3330 - Creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3332 - Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3344 - To pay certain moral obligations of the state (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3354 - To authorize municipalities to combine operations with other municipalities and counties to provide governmental services (CAPITO) (REGULAR)
- H. B. 3371 - Relating to federal funds for land-grant institutions (CRISS) (REGULAR)
- Com. Sub. for H. B. 3405 - Change the maximum time period of a protective order to one year (CAPITO) (REGULAR)
- H. B. 3451 - Updating the veteran preference ratings in state code for state employment (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3480 - Enact the West Virginia Consumer Financial Privacy Act of 2023 (CAPITO) (REGULAR)

- H. B. 3500 - Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office (CAPITO) (REGULAR)
- H. B. 3561 - Relating generally to creating the Joint Legislative Committee on Civic Life (PHILLIPS) (REGULAR)
- H. B. 3562 - Relating to the West Virginia Fusion Center (PHILLIPS) (REGULAR)

FIRST READING

- S. B. 136 - Requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have treatment plan to be eligible for probation (CAPITO) (REGULAR)
- Com. Sub. for S. B. 208 - Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders (CAPITO) (REGULAR)
- Com. Sub. for S. B. 270 - Adding exemption to permit requirement for cremation (PHILLIPS) (REGULAR)
- S. B. 276 - Awarding service weapon of retiring State Fire Marshal (CAPITO) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 300 - Relating to law-enforcement training and certification (PHILLIPS) (REGULAR)
- S. B. 481 - Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program (PHILLIPS) (REGULAR)
- S. B. 553 - Allowing for evaluation of prequalified bidders to be based on best value (PHILLIPS) (REGULAR)

HOUSE CALENDAR

Tuesday, February 28, 2023

49th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2075 - To provide a means to classify when medications should be continued or stopped for patients (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 2498 - To require medication-assisted treatment programs to have written policies concerning community relations (SUMMERS) (REGULAR)
- H. B. 2955 - Relating to the establishment and operation of regional water, wastewater and stormwater authorities (PHILLIPS) (REGULAR)
- Com. Sub. for H. B. 3046 - Fast Track for Agriculture Education Endorsement (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 3092 - Relating to in-state food service permit reciprocity (PHILLIPS) (REGULAR)
- H. B. 3459 - To allow for a best value procurement evaluation for prequalified bidders (PHILLIPS) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023 (CRISS) (REGULAR)
- Com. Sub. for S. B. 594 - Specifying fairness in cost sharing calculations for certain high deductible health plans (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2017 - Relating to service of process in child abuse cases (CAPITO) (REGULAR)
- Com. Sub. for H. B. 2196 - To remove opioid treatment programs from requiring a certificate of need (SUMMERS) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2471 - Relating to the suspension of driver's license for unpaid tickets (CAPITO) (REGULAR)
- H. B. 2510 - To establish the Rare Earth Element and Critical Mineral Investment Tax Credit Act (HOWELL) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3018 - Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court (CAPITO) (REGULAR)

- H. B. 3408 - To clean up statutory provisions regarding the Hope Scholarship program to better reflect the intent and operation of the program (ELLINGTON) (REGULAR)
- H. B. 3427 - Relating to consumers sales and service tax and use tax exemption for certain goods to be incorporated into a qualified, new or expanded warehouse or distribution facility (CRISS) (REGULAR)
- H. B. 3430 - To prohibit the bureau from assessing a fee upon local health departments (SUMMERS) (REGULAR)
- Com. Sub. for H. B. 3482 - To create the Coal Fired Grid Stabilization and Security Act of 2023 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3484 - Relating to SNAP benefits (PHILLIPS) (REGULAR)
- H. B. 3487 - Relating to cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans (SUMMERS) (REGULAR)
- H. B. 3558 - Relating to providing an exception to the provisions of the Uniform Common Interest Ownership Act (UCOIA) (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation (ELLINGTON) (REGULAR)
- S. B. 131 - Allowing municipal fire marshals to receive service weapon upon retirement (MALLOW) (REGULAR)
- Com. Sub. for S. B. 160 - WV Rail Trails Program (HOWELL) (REGULAR) [ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE AMENDMENT PENDING]
- Com. Sub. for S. B. 205 - Relating to registration plates (LINVILLE) (REGULAR) [TECHNOLOGY AND INFRASTRUCTURE COMMITTEE AMENDMENT PENDING]
- S. B. 246 - Revising membership of Broadband Enhancement Council (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 439 - Establishing design-build program for DEP (LINVILLE) (REGULAR)
- Com. Sub. for S. B. 463 - Increasing validity of CDL instruction permit (LINVILLE) (REGULAR)
- S. B. 591 - Allowing counties and municipalities to jointly undertake development projects (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2189 - To create the "Protection of Property from Warrantless Searches Act." (CAPITO) (REGULAR)
- Com. Sub. for H. B. 3421 - Recodifying the code to eliminate conflicts (CAPITO) (REGULAR)

- H. B. 3511 - Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3512 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3513 - Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3514 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3515 - Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3516 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3517 - Making a supplementary appropriation to the Division of Human Services – Child Care and Development (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3518 - Making a supplementary appropriation to the Department of Agriculture (CRISS) (EFFECTIVE FROM PASSAGE)
- H. B. 3524 - Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund (CRISS) (EFFECTIVE FROM PASSAGE)

WEST VIRGINIA HOUSE OF DELEGATES

TUESDAY, FEBRUARY 28, 2023

HOUSE CONVENES AT 11:00 A.M.

PUBLIC HEARING

VETERANS' AFFAIRS AND HOMELAND SECURITY

9:00 A.M. – HOUSE CHAMBER

**H. B. 3157, RELATING TO CLARIFYING THE DUTIES, FUNCTIONS, PROHIBITIONS
AND RESTRICTIONS APPLICABLE TO THE WEST VIRGINIA FUSION CENTER.**

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBERS

TECHNOLOGY AND INFRASTRUCTURE

2:00 P.M. – ROOM 432-M

ECONOMIC DEVELOPMENT AND TOURISM

2:00 P.M. – ROOM 460-M

COMMITTEE ON HEALTH AND HUMAN RESOURCES

3:00 P.M. – ROOM 215-E

COMMITTEE ON FINANCE

3:30 P.M. – ROOM 460-M

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