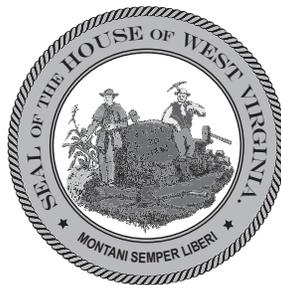


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



January 30, 2024
TWENTY-FIRST DAY



Tuesday, January 30, 2024

TWENTY-FIRST 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.

Messages from the Executive

And Other Communications

The following communication was reported by the Clerk:



Jim Justice
Governor of West Virginia

January 29, 2024

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Stephen "David" Green, Jaeger, McDowell County, as a Delegate representing the Thirty-Sixth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Anita Hall.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JCJ: mrp

cc: President of the Senate
Speaker of the House of Delegates
Clerk of the Senate
Clerk of the House of Delegates
West Virginia Ethics Commission

The Clerk announced that Delegate Green had taken the oath of office on January 29, 2024.

The Clerk proceeded to read the Journal of Monday, January 29, 2024, 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. 4957, on Second Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 4777, on First Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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. 5014, Supplementing and amending appropriations to West Virginia University General Administration Fund,

And reports the same back with the recommendation that it 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. 5157, Relating to contingent increase of tax rate on certain eligible acute care hospitals,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5157 - "A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to increasing the tax rate imposed on certain hospitals up to the maximum amount allowed by the Centers for Medicare and Medicaid Services (CMS),"

With the recommendation that the committee substitute do pass.

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:

H. B. 5182, Relating to receipts for payment of personal income taxes and the requirement thereof for annual renewal of vehicular registration,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5182) was referred to the Committee on Finance.

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:

H. B. 5117, Relating generally to waiver of initial licensing fees for certain individuals,

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

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:

H. B. 5194, Requiring purchases of certain commodities and services from state use program partners,

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

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

Your Committee on Education has had under consideration:

H. B. 4882, Extending in-state tuition rates to all members and veterans of the National Guard, reserves, and armed forces as well as their spouses and dependents,

And,

H. B. 4945, Relating generally to the Hope Scholarship Program,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4882 and H. B. 4945) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4867, Require pornography websites to utilize age verification methods to prevent minors from accessing content,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4867 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated chapter 49A. Child Online Protection and Liability, by adding thereto a new article, designated §49-A-1-101 Liability for Publishers and Distributors of Material Harmful to Minors, by adding thereto new sections designated §49-A-1-101, §49-A-1-

102, §49-A-1-103, §49-A-1-104, all relating to creating liability for publishers and distributors of material harmful to minors; providing definitions; requiring a commercial entity that provides pornography and other materials defined as being harmful to minors as a substantial portion of the entity's content to verify the age of individuals accessing the material; establishing requirements and liability for the retention of data; imposing liability for publishers and distributors of material harmful to minors who fail to comply with verification requirements; and providing that an internet service provider or hosting entity is not liable for hosting or transmitting material harmful to minors to the extent that it is not the creator of the material, relating to certain civil actions allowable by the Attorney General, relating to remedy of civil penalties, relating to how amount of civil penalties are to be based; relating to a five year statute of limitations for civil actions relating to this article, relating to rule-making authority of the Secretary of the Department of Human Services relating to enforcement of the provisions of this article,"

H. B. 4940, A squatter cannot be considered a tenant in WV.,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4940 - "A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated as §37-6-31; and to amend said Code by adding thereto a new article, designated as §55-3C-1, §55-3C-2, and §55-3C-3; all relating to squatting and the remedies therefor; defining a term; clarifying that squatting is a wrongful occupation of property; excluding squatting from the provisions of certain sections of Code; providing that petition and eviction are not appropriate remedies to remove squatters from property; defining terms; noting that squatting is the same as trespass; providing that squatters are not tenants; clarifying that the remedy for squatting is arresting the trespassing squatter for the crime of trespass; and providing that petition and eviction are not appropriate remedies to remove squatters from property,"

H. B. 4965, Mandating restitution to children of victims of negligent homicide or driving under the influence causing death,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4965 - "A Bill to amend the Code of West Virginia, 1931, as amended, by amending §14-2A-3 relating to a proviso that any award of restitution awarded pursuant to the provisions of §17C-5-2c of this code shall not be considered as a collateral source, and by adding thereto a new section, designated §17C-5-2c, related to discretionary restitution to children of victims of negligent homicide and mandatory restitution to children of victims of driving under the influence causing death; relating to eligibility of restitution; relating to factors relevant to determining the amount of restitution; relating to how restitution is to be handled during incarceration; relating to when restitution payments shall commence after release from incarceration; relating to court approved payment plans; relating to interest on arrearages; and relating to enforcement when there is non-compliance,"

And,

H. B. 5016, Allow women to work on inmate road crews,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5016 - "A Bill to amend and reenact §17-5-1 of the Code of West Virginia, 1931, as amended, relating to making all inmates, regardless of gender, eligible to work on a state convict road force,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4292, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production,

H. B. 4998, Modifying penalties for third offense shoplifting,

And,

H. B. 5096, Change the requirement for posting public notices at the state and federal level for PSDs,

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced 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. 36 - "A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to protocol for law-enforcement response to domestic violence; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to sexual assault forensic examinations; authorizing the Division of Emergency Management to promulgate a legislative rule relating to industrial accident rapid response; authorizing the State Fire Commission to promulgate a legislative rule relating to the fire code; authorizing the State Fire Commission to promulgate a legislative rule relating to certification and evaluation of local fire departments; authorizing the State Fire Commission to promulgate a legislative rule relating to certification of fire chiefs; authorizing the State Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors; authorizing the State Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work; authorizing the State Fire Marshal to promulgate a legislative rule relating to electrician licensing rules; authorizing the State Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors and plans examiners; authorizing the State Fire Marshal to promulgate a legislative rule relating to certification of home inspectors; authorizing the West

Virginia State Police to promulgate a legislative rule relating to West Virginia State Police member grievance procedures; and authorizing the West Virginia State Police to promulgate a legislative rule relating to motor vehicle inspections"; 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. 196 - "A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, §5B-1A-7, §5B-1A-8, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include a definition of "rail with trail"; expanding State Rail Authority to acquire railroad rights-of-way and land for both trail programs; clarifying that rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of, and exception to, liability to railroad owners under certain circumstances"; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 222 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks"; which was referred to the Committee on Agriculture and Natural Resources then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 261 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, and §31-18F-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2024; establishing a fund known as the West Virginia Veterans' Home Loan Mortgage Fund; declaring the purpose of the fund; providing that the West Virginia Housing Development Fund shall administer the fund; setting forth terms of the program; authorizing the West Virginia Housing Development Fund to make certain mortgage loans from the fund; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the fund"; 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. 445 - "A Bill to amend and reenact §16-4C-8 and §16-4C-9 of the Code of West Virginia, 1931, as amended, all relating to certification of emergency medical services personnel; establishing dates for mandatory rule-making; setting period of validity of certification for emergency medical services personnel at two years; and requiring Office of Emergency

Medical Services to publish certain disciplinary actions taken against certified emergency medical services personnel on its website"; which was referred to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Dittman, Westfall, Mazzocchi, Holstein and Adkins:

H. C. R. 53 - "Requesting the Division of Highways name Bridge Number: 04-032/07-002.61 (04A091), (38.65540, -80.84367) locally known as SAWMILL BRIDGE, carrying CR 032/07 over ELK RIVER in Braxton County, the 'U. S. Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegates Ridenour, Foster, Kirby, Coop-Gonzalez, Adkins, Barnhart, Butler, Crouse, Dillon, Heckert, Horst, Kimble, Kump, Mallow, Marple, Martin, Moore, Petitto, C. Pritt and Vance:

H. C. R. 54 - "Recognizing that West Virginia has standing in matters relating to issues that impact people of this state"; to the Committee on the Judiciary then Rules.

By Delegates Ridenour, Coop-Gonzalez, C. Pritt, Ward, Mallow, Phillips, Steele, Foster, Hillenbrand, Chiarelli, Adkins, Barnhart, Butler, Crouse, Dillon, Heckert, Kump, Longanacre, Marple, Martin, Petitto and Vance:

H. C. R. 55 - "Declaring that former President Trump is a non-resident citizen of the State of West Virginia"; to the Committee on the Judiciary then Rules.

By Delegates Ridenour, Kirby, Steele, Foster, Hillenbrand, Marple, Martin, Butler, Adkins, Coop-Gonzalez, Crouse, Dillon, Horst, Kump, Longanacre, Mazzocchi and Petitto:

H. C. R. 56 - "Calling upon the Congress of the United States to disband the Federal Bureau of Investigation and other politicized intelligence and law enforcement agencies"; to the Committee on the Judiciary then Rules.

By Delegates Ridenour, Kirby, C. Pritt, Phillips, Steele, Foster, Kimble, Hillenbrand, Coop-Gonzalez, Adkins, Barnhart, Butler, Crouse, Gearheart, Heckert, Horst, Longanacre, Mallow, Marple, Martin, Mazzocchi, Petitto, Riley and Vance:

H. C. R. 57 - "Demanding Congress call a Convention of States to propose amendments to the Constitution of the United States to create fiscal responsibility by and within the federal government"; to the Committee on the Judiciary then Rules.

On motion for leave, a Joint Resolution was introduced and referred as follows:

By Delegates Young, Hamilton, Hansen, Hornbuckle, Garcia, Rowe, Pushkin and Williams:

H. J. R. 27 - "Proposing an amendment to the Constitution of the State of West Virginia amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to reproductive freedom with protections for health and safety; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Health and Human Resources then the Judiciary.

Bills Introduced

On motions for leave, bills were introduced and severally referred as follows:

By Delegate Dillon:

H. B. 5339 - "A Bill to amend and reenact §4-1-7 of the Code of West Virginia, 1931, as amended, relating to requiring that House of Delegates and the Senate open each session with the Pledge of Allegiance to the Flag of West Virginia"; to the Committee on Government Organization then the Judiciary.

By Delegates Summers and Tully:

H. B. 5340 - "A Bill to amend and reenact §16-54-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated, §16-54-10, all relating to require insurance coverage to not prioritize the use of an opioid over a nonopioid drug for the treatment of pain"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Rohrbach, T. Clark, Forsht and Sheedy:

H. B. 5341 - "A Bill to amend and reenact §3-7-3 of the Code of West Virginia, 1931, as amended, relating to contested election procedure"; to the Committee on the Judiciary.

By Delegates Rohrbach, Forsht and Sheedy:

H. B. 5342 - "A Bill to amend and reenact §62-1D-12 of the Code of West Virginia, 1931, as amended, relating to the applicability of civil causes of action in cases involving surveillance"; to the Committee on the Judiciary.

By Delegates Summers and Tully:

H. B. 5343 - "A Bill to amend and reenact §30-20-4 of the Code of West Virginia, 1931, as amended, relating to adding an athletic trainer to the Board of Physical Therapy"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Heckert, Jennings, Sheedy, Barnhart, DeVault, Crouse and Criss:

H. B. 5344 - "A Bill to amend and reenact §61-8B-5 of the Code of West Virginia, 1931, as amended, relating to sexual assault in the third degree; creating criminal penalties; clarifying when a mentally incapacitated victim may not be required to testify in open court; and providing judicial discretion to determine the appropriateness of a mentally capacitated victim to testify"; to the Committee on the Judiciary.

By Delegates Chiarelli, T. Clark, Hott, Petitto, Stephens, Forsht, DeVault, Hillenbrand and Sheedy:

H. B. 5345 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-1b; and to amend and reenact §15-12-2 of said code, all relating to the registration requirements in the Sex Offender Registration Act; providing for definitions; and clarifying how those required to register sex offenders, who have no permanent residence, can satisfy their legal obligation."; to the Committee on the Judiciary.

By Delegate Burkhammer:

H. B. 5346 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2 of said code; to amend said code by adding thereto a new section, designated §18-31-2a; and to amend and reenact §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10

of said code, all relating generally to nonpublic kindergarten, elementary, and secondary school education; clarifying that a child exempt from compulsory school attendance is not subject to the requirements of the Hope Scholarship Program unless that child is an eligible recipient; removing requirement that academic assessments of home school students be submitted to county superintendent; clarifying use of 'home school student' in code; removing participation in the Hope Scholarship Program as a standalone exemption to compulsory school attendance and replacing it with an exemption from compulsory school attendance for those who choose to participate in an Assembled Instructional Module; setting forth parameters of participation in an Assembled Instructional Module; providing that students participating in an Assembled Instructional Module, learning pod students and microschool students have the same educational rights and privileges as home school students; removing requirement that academic assessments of learning pod students and microschool students be submitted to county superintendent; establishing the method of calculating the annual Hope Scholarship Program appropriation; providing that certain students exempt from compulsory school attendance and participating in nonpublic educational programs may participate in the Hope Scholarship Program if other eligibility requirements are met; defining terms; establishing eligibility requirements for the Hope Scholarship Program; setting forth procedure for notice of Hope Scholarship Program participation; requiring county superintendents to enter certain information into the state's educational information system; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; providing the State Treasurer's Office with rulemaking authority; clarifying that all records containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying qualifying expenses under the Hope Scholarship Act; requiring Hope Scholarship students to meet all standardized testing and portfolio requirements for his or her exemption from compulsory school attendance as a condition of scholarship renewal; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program audits; clarifying the board's rulemaking authority with regard to certain functions, requiring education service providers to submit required criminal background screening results to the board; and clarifying that education service providers may not assess students additional tuition or fees based on participation in the Hope Scholarship Program"; to the Committee on Education then Finance.

By Delegates Jennings, Statler, Tully, Mallow and Shamblin:

H. B. 5347 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1 and §16-4G-2, all relating to creating the 'Pathway for a Career in Medicine Program"; to the Committee on Health and Human Resources.

By Delegates Brooks, Toney, Kirby, Steele and Maynor:

H. B. 5348 - "A Bill to amend and reenact section two, chapter 136, Acts of the Legislature, regular session, 1982, as last amended and reenacted by section two, chapter 136, Acts of the Legislature, regular session, 1987, relating to renaming the Raleigh County Recreation Authority to the Raleigh County Parks and Recreation Authority"; to the Committee on Government Organization.

By Delegates Thorne, Hillenbrand, Horst, Hornby and Hite:

H. B. 5349 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, and §19-39-5, all relating to the creation of the West Virginia Truth in Food Labeling Act; providing for a short title; providing for definitions; defining misbranded food; providing for the labeling of cell-cultured product; and providing for rules"; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates Howell, W. Clark, Lucas, E. Pritt, Nestor, Ferrell, Dittman, Maynor, Moore, Willis and Hornby:

H. B. 5350 - "A Bill to amend and reenact §19-25-5 of the Code of West Virginia, 1931, as amended, relating to limiting the duty and liability of a landowner who grants a lease, easement or license of land to federal, state, county or municipal government or any agency thereof for 'recreational purposes'; expanding the definition of 'recreational purposes' to include mountain biking activities"; to the Committee on Economic Development and Tourism then the Judiciary.

By Delegates Hornby, Hite, Horst, Forsht and Hardy:

H. B. 5351 - "A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of a commercial solid waste facility to exclude a solid waste facility in which the owner or operator of same is consolidating collected solid waste for transportation and disposal"; to the Committee on Government Organization.

By Delegates Cooper and Heckert:

H. B. 5352 - "A Bill to amend and reenact §47-26-1, §47-26-2, §47-26-3, and §47-26-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-5, all relating to pawnbrokers, definitions; requiring a photograph; increasing amount of fines for violations; reporting requirements to local law-enforcement officials; and requiring pawnbrokers to retain the property in its original condition as delivered to the pawnbroker by the seller or pledgor for a minimum period of five business days before altering, disassembling, reselling, destroying, reducing, smelting, or otherwise disposing of the property"; to the Committee on Government Organization then the Judiciary.

By Delegate Thorne:

H. B. 5353 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-14, relating to prohibiting foreign adversaries from the purchase or ownership of agricultural land in this state"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Riley:

H. B. 5354 - "A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, related to clarifying what grants are subject to reporting requirements of the Grant Transparency and Accountability Act, defining the terms used throughout the Act, and making other technical clarifications"; to the Committee on Finance.

By Delegates Statler, Rohrbach, Mallow, Toney, Ellington, Sheedy, Summers, Riley, Williams, Hanshaw (Mr. Speaker) and Jennings:

H. B. 5355 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §15A-11-12, relating to allowing volunteer fire departments to use Fire Protection Fund monies to fund expenses associated with the implementation of the State Auditor's West Virginia Checkbook fiscal reporting system"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Tully, Kimble, Jeffries, Foster, Linville, Phillips, Toney, Dittman, Mazzocchi, Holstein and DeVault:

H. B. 5356 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8G-1, §61-8G-2, §61-8G-3, §61-8G-4, and §61-8G-5, all relating to prohibiting registered sex offenders from being within 1,000 feet of a school-based health center, requiring notices to be posted on school-based health centers, and imposing criminal penalties for registered sex offenders who violate this article"; to the Committee on the Judiciary.

By Delegates Campbell, Griffith, Jeffries, C. Pritt, Jennings, Stephens, DeVault, Vance, Lewis, Longanacre and Dean:

H. B. 5357 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11D-5, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description"; to the Committee on Government Organization.

By Delegates Kelly, Hott, Phillips, Jeffries, Pinson, Brooks and Steele:

H. B. 5358 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-14-1, §15A-14-2, §15A-14-3, §15A-14-4, §15A-14-5, §15A-14-6, §15A-14-7, §15A-14-8, and §15A-14-9, all relating to the Corrections and Rehabilitation Ombudsman; authorizing an ombudsman position within the Office of the Inspector General; authorizing review of complaints; providing access to complainants, facilities, agencies, and records to assist in review; providing cooperation among government departments and agencies; clarifying confidentiality; providing limitations on liability; requiring an annual report; including penalties for noncompliance and retaliation; and providing funding for the program"; to the Committee on Jails and Prisons then the Judiciary.

By Delegates Kelly, Hott, Hornby, Jeffries, Pinson, Brooks and Steele:

H. B. 5359 - "A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to recognizing the law-enforcement powers of correctional officers employed by the Division of Corrections and Rehabilitation; providing that such officers are not subject to certain certification requirements; authorizing the commissioner to consult with the Law Enforcement Professional Standards Subcommittee with regard to training; clarifying powers of arrest; and clarifying application of the federal Law Enforcement Officers Safety act to eligible employees"; to the Committee on Jails and Prisons then the Judiciary.

By Delegates Kelly, Hott, Hornby, Phillips, Jeffries, Pinson, Brooks and Steele:

H. B. 5360 - "A Bill to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to child pornography; and clarifying the groups of persons to whom the criminal prohibitions related to child pornography are inapplicable when such persons are performing their official or employment duties"; to the Committee on the Judiciary.

By Delegate Rohrbach:

H. B. 5361 - "A Bill to amend and reenact §16-3-4a of the Code of West Virginia, 1931, as amended, relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis based upon recommendations of the Center for Disease Control"; to the Committee on Health and Human Resources.

By Delegate Rohrbach:

H. B. 5362 - "A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, related to defining protections for election officials, workers, and poll workers; clarifying protections for those working in elections; reducing interference with election workers; actions taken before elections to ensure integrity; and increasing election security and amending the form for poll worker registration"; to the Committee on the Judiciary.

By Delegates Kelly, Hott, Hornby, Holstein, Phillips, Jeffries, Pinson, Brooks and Steele:

H. B. 5363 - "A Bill to amend and reenact §15A-5-10 of the Code of West Virginia, 1931, as amended, relating to establishing the GOALS Program; requiring the commissioner to continue the GOALS Program; and making technical corrections"; to the Committee on Jails and Prisons then the Judiciary.

By Delegates Kelly, Hott, Hornby, Holstein, Phillips, Jeffries, Pinson, Brooks and Steele:

H. B. 5364 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-27, relating to the definition of law-enforcement officers; and clarifying that term includes chief executives, law-enforcement officials, and pre-certified law-enforcement officers"; to the Committee on the Judiciary.

By Delegate Dillon:

H. B. 5365 - "A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to requiring municipal/public water utilities and public service districts shall set aside funds to ensure the delivery of free bottled water when normal water service is disrupted"; to the Committee on Political Subdivisions then Technology and Infrastructure.

By Delegate Dillon:

H. B. 5366 - "A Bill to amend and reenact §3-1-49 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §3-1-52; and to repeal §3-4A-1, §3-4A-2, §3-4A-3, §3-4A-4, §3-4A-5, §3-4A-6, §3-4A-7, §3-4A-8, §3-4A-9, §3-4A-9a, §3-4A-9b, §3-4A-10, §3-4A-10a, §3-4A-11a, §3-4A-13, §3-4A-14, §3-4A-15, §3-4A-16, §3-4A-17, §3-4A-18, §3-4A-19, §3-4A-19a, §3-4A-20, §3-4A-22, §3-4A-23, §3-4A-24, §3-4A-24a, §3-4A-25, §3-4A-26, §3-4A-27, §3-4A-28, §3-4A-29, §3-4A-30, §3-4A-31, §3-4A-32, §3-4A-33, and §3-4A-34 of said code; all relating to requiring paper ballots in all elections; providing for the elimination of electronic voting systems; requiring the hand counting of paper ballots; and requiring the production of a photographic identification card to be eligible to vote"; to the Committee on the Judiciary.

By Delegate Dillon:

H. B. 5367 - "A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to providing that Internet Service Providers, or 'ISPs', shall be considered a telecommunications utility for regulatory purposes by the Public Service Commission"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Kelly, Hott, Phillips, Jeffries, Pinson, Brooks and Steele:

H. B. 5368 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §15A-3-19 and §15A-3-20, all relating to creating Regional Jail Commissions; setting forth the composition of the commissions; setting forth the terms of the members; setting forth compensation of the members; setting forth administrative responsibilities; creating powers and duties of the commissions; and requiring reports"; to the Committee on Jails and Prisons then the Judiciary.

By Delegate Dillon:

H. B. 5369 - "A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Grant Transparency and Accountability Act; requiring corporate entities and any government agency, political subdivision, nongovernmental organization, or other organization receiving taxpayer funds greater than \$1,000 dollars in any

fiscal year from any source to enroll in West Virginia Open Checkbook and fully disclose their revenues and expenditures and to be subject to compliance with the Freedom of Information Act; authorizing government authorities and agencies to become advisories with powers of study and reporting to governing authorities; when certain projects require a ballot initiative; and requiring disclosure of applicants who respond to a request for proposal to the public before the final selection occurs"; to the Committee on Political Subdivisions then Government Organization then Finance.

By Delegate Dillon:

H. B. 5370 - "A Bill to amend and reenact §31-15-6 of the Code of West Virginia, 1931, as amended, relating to a legislative finding that citizens and businesses should be the priority of any attempt at economic development or stimulus; and requiring that agreements with a business entity for purposes of incentivizing economic development or economic stimulus to contain a binding statement of commitment to hire 90 percent of employees for West Virginia locations from citizens of West Virginia"; to the Committee on Economic Development and Tourism then the Judiciary.

By Delegates Kirby, Campbell, Vance, Dean and Bridges:

H. B. 5371 - "A Bill to amend and reenact §17A-3-17 of the Code of West Virginia, 1931, as amended, relating to renewal of a vehicle registration and a service fee charge for each year of renewal of a Class A or G vehicle registration issued"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Rohrbach, Akers, Forsht, Hornby, T. Clark, Smith, Stephens, Mallow, Sheedy and Hanshaw (Mr. Speaker):

H. B. 5372 - "A Bill to repeal §1-2-4 of the Code of West Virginia, 1931, as amended, to repeal §1-5-5 of said code; to amend and reenact §4-1-20 of said code; to repeal §1-2-4 of said code; to repeal §1-5-5 of said code; to repeal §4-1-20 of said code; to repeal §4-2-12 of said code; to repeal §4-7-11 of said code; to repeal §5-6-15 of said code; to repeal §5-10A-10 of said code; to amend and reenact §5-10D-11 of said code; to repeal §5-11-15 of said code; to repeal §5-11A-19 of said code; to repeal §5-27-1 of said code; to amend and reenact §5B-1-9 of said code; to repeal §5D-1-23 of said code; to repeal §5F-3-3 of said code; to repeal §6A-1-13 of said code; to repeal §7-7-21 of said code; to repeal §7-11-6 of said code; to repeal §7-12-16 of said code; to repeal §7-13-12 of said code; to repeal §7-14-21 of said code; to repeal §7-14B-23 of said code; to repeal §7-16-8 of said code; to repeal §7-20-24 of said code; to repeal §7-27-45 of said code; to amend and reenact §8-13C-10 of said code; to repeal §8-36-1 of said code; to repeal §9-7-9 of said code; to repeal §11-1C-13 of said code; to repeal §11-6B-11 of said code; to amend and reenact §11-8-6e of said code; to repeal §11-8-6f of said code; to amend and reenact §11-8-6g of said code; to repeal §11-9-17 of said code; to repeal §11-10-21 of said code; to repeal §11-11-42 of said code; to repeal §11-12-17 of said code; to repeal §11-12-25 of said code; to repeal §11-12B-17 of said code; to repeal §11-12C-12 of said code; to repeal §11-13-26 of said code; to repeal §11-13A-21 of said code; to repeal §11-13C-13 of said code; to repeal §11-13D-9 of said code; to repeal §11-13E-7 of said code; to repeal §11-13Q-17 of said code; to repeal §11-13EE-15 of said code; to repeal §11-13GG-19 of said code; to repeal §11-13KK-16 of said code; to repeal §11-13MM-9 of said code; to repeal §11-14-29 of said code; to repeal §11-14A-26 of said code; to amend and reenact §11-15-31 of said code; to amend and reenact §11-15B-31 of said code; to repeal §11-16-29 of said code; to repeal §11-17-21 of said code; to amend and reenact §11-21-94 of said code; to repeal §11-23-22 of said code; to amend and reenact §11-24-40 of said code; to repeal §11-25-10 of said code; to repeal §11-27-34 of said code; to repeal §11A-3-74 of said code; to repeal §12-4B-4 of said code; to repeal §12-8-16 of said code; to repeal §13-2C-18 of said code; to repeal §13-2D-16 of said code; to repeal §13-2E-15 of said code; to repeal

§14-2-29 of said code; to repeal §15-5-23 of said code; to repeal §15-5A-8 of said code; to repeal §15-7-13 of said code; to repeal §15A-10-24 of said code; to amend and reenact §16-3-4b of said code; to repeal §16-5J-9 of said code; to repeal §16-5L-22 of said code; to amend and reenact §16-9B-4 of said code; to amend and reenact §16-9D-9 of said code; to repeal §16-22-5 of said code; to repeal §16-29D-9 of said code; to repeal §16-30C-16 of said code; to repeal §17-16A-28 of said code; to repeal §17-16F-34 of said code; to repeal §17-23-13 of said code; to repeal §17-25-10 of said code; to repeal §17-28-12 of said code; to amend and reenact §17A-6A-15a of said code; to repeal §17A-12-1 of said code; to amend and reenact §17C-15-46 of said code; to repeal §18-11C-9 of said code; to amend and reenact §18-31-13 of said code; to repeal §18-32-1 of said code; to repeal §18A-1-3 of said code; to repeal §18B-12-9 of said code; to repeal §18B-15-1 of said code; to repeal §19-2B-12 of said code; to repeal §19-2E-7 of said code; to repeal §19-5A-12 of said code; to repeal §19-12-17 of said code; to repeal §19-13-12 of said code; to repeal §19-23-29 of said code; to amend and reenact §20-8-3 of said code; to repeal §21-1A-8 of said code; to repeal §21-5B-6 of said code; to repeal §21-5C-11 of said code; to amend and reenact §21-5G-7 of said code; to repeal §21-5I-6 of said code; to repeal §21A-10-15 of said code; to amend and reenact §22-2-10 of said code; to repeal §22A-2-79 of said code; to amend and reenact §22C-9-7a of said code; to amend and reenact §23-4-2 of said code; to repeal §23-4-21 of said code; to amend and reenact §23-4-23 of said code; to repeal §23-6-1 of said code; to amend and reenact §24-2-4e of said code; to repeal §24-2-4f of said code; to amend and reenact §24-2-4h of said code; to amend and reenact §24-3-3a of said code; to repeal §27-13-2 of said code; to repeal §29-5A-26 of said code; to repeal §29-22-28 of said code; to repeal §29-22A-18 of said code; to amend and reenact §29A-7-4 of said code; to repeal §30-21-15 of said code; to amend and reenact §30-26-20 of said code; to repeal §31-2A-7 of said code; to repeal §31-14-16 of said code; to repeal §31-15-32 of said code; to repeal §31-17-19 of said code; to repeal §31-17A-19 of said code; to repeal §31-18-25 of said code; to repeal §31-18A-11 of said code; to repeal §31-19-21 of said code; to repeal §31G-4-6 of said code; to repeal §32B-4-1 of said code; to repeal §33-4-10 of said code; to repeal §33-6B-7 of said code; to repeal §33-11-10 of said code; to amend and reenact §33-11B-1 of said code; to repeal §33-12-36 of said code; to repeal §33-15A-7 of said code; to amend and reenact §33-16-3d of said code; to repeal §33-26-19 of said code; to amend and reenact §33-28-5b of said code; to repeal §33-40B-10 of said code; to repeal §36A-8-3 of said code; to repeal §37B-1-7 of said code; to repeal §37B-2-8 of said code; to repeal §38-1A-13 of said code; to repeal §39A-2-12 of said code; to repeal §39A-3-5 of said code; to repeal §46A-6I-7 of said code; to repeal §46A-8-102 of said code; to repeal §47-2-18 of said code; to amend and reenact §47-9A-7 of said code; to repeal §47-11B-16 of said code; to repeal §47-14-14 of said code; to repeal §47-15-6 of said code; to repeal §47-18-23 of said code; to repeal §47-20-30 of said code; to repeal §47-21-29 of said code; to repeal §47-23-12 of said code; to repeal §51-9-16 of said code; to repeal §51-11-13 of said code; to repeal §53-4A-11 of said code; to amend and reenact §55-7-13d of said code; to repeal §55-7B-11 of said code; to repeal §55-12A-10 of said code; to repeal §55-19-8 of said code; to repeal §59-3-9 of said code; to amend and reenact §60-3A-31 of said code; to repeal §60-7-16 of said code; to repeal §61-3C-21 of said code; to repeal §61-5A-11 of said code; to repeal §62-1-12 of said code; to repeal §62-1A-9 of said code; to repeal §62-1B-4 of said code; to repeal §62-1C-19 of said code; to repeal §62-1D-16 of said code; to repeal §62-6-7 of said code, all relating to removing redundant severability clauses from the code"; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4017, To modify certain election laws, early voting laws, and absentee voting laws; 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. 60**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin and Rowe.

Absent and Not Voting: Hardy, McGeehan and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4017) passed.

Delegate Householder moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 61**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Garcia, Hansen, Hornbuckle, Lewis and Rowe.

Absent and Not Voting: Hardy, McGeehan, Pinson and Young.

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. 4017) takes effect January 1, 2025.

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. 4350, Relating to appointment of candidates after filing period; 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. 62**), and there were—yeas 79, nays 18, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Fluharty, Foster, Garcia, Gearheart, Griffith, Hamilton, Hansen, Hite, Hornbuckle, Horst, Lewis, Pushkin, Ridenour, Rowe, Williams and Young.

Absent and Not Voting: Hardy, McGeehan and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4350) passed.

Delegate Householder moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 63**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Martin, Pushkin, Rowe and Young.

Absent and Not Voting: Hardy, McGeehan and Pinson.

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. 4350) takes effect January 1, 2025.

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

H. B. 4434, Relating to restrictions on use or sale of motor vehicles based on power source; 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. 64**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Garcia, Hamilton, Hansen, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Hardy, McGeehan, Pinson and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4434) 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. 4860, Providing that a general education teacher may not be responsible for accommodation logs; 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. 65**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Fluharty, Garcia, Hornbuckle, Lewis, Rowe and Young.

Absent and Not Voting: Hardy, McGeehan and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4860) 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. 4976, Providing the contact information of the Inspector General on the agencies and boards websites of the executive 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. 66**), 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: Hardy, McGeehan and Pinson.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4976) passed.

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

H. B. 4976 — "A Bill to amend and reenact §15A-13-1 of the Code of West Virginia, 1931, as amended, relating to requiring agencies and boards administered as a part of the Department of Homeland Security to display the contact information of the Inspector General on their websites and in their office spaces."

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

Second Reading

Com. Sub. for H. B. 4376, Relating to surgical smoke evacuation; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Foster, the bill was amended on page 1, section 21, line 18, by striking the words, "\$100 nor more than \$500" and inserting in lieu thereof, "\$1,000 nor more than \$5,000".

The bill was then ordered to engrossment and third reading.

H. B. 4776, Relating to adding elementary schools into school disciplinary measures; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Education, and adopted, on page 1, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(a) The teacher shall stand in the place of the parent(s), guardian(s), or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

(b) Subject to the rules of the state Board of Education, the teacher shall exclude from the school any student known to have, or who is suspected of having, any infectious disease, or any student who has been exposed to any infectious disease and shall immediately notify the proper health officer or medical inspector of the exclusion. Any student so excluded may not be readmitted to the school until he or she has complied with all the requirements of the rules governing those cases or has presented a certificate of health signed by the medical inspector or other proper health officer.

(c) The teacher, may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who behaves in a manner that obstructs the teaching or learning process of others in the

classroom; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s), or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s), or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s), or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. The Legislature finds that isolating students or placing them in alternative learning centers may be the best setting for chronically disruptive students. The county board shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct these students' behaviors so they can return to a regular classroom without engaging in further disruptive behavior.

(d) When a grade six through 12 teacher, excluding an elementary school teacher, determines that the behavior of the student is disorderly conduct, is interfering with an orderly educational process, or obstructs the teaching or learning process of others in the classroom:

(1) The student may be excluded from that teacher's classroom and if excluded may not re-enter that teacher's classroom for at least the remainder of the instructional day;

(2) If the student is excluded pursuant to subdivision (1) of this subsection;

(A) The principal shall communicate with the teacher within 24 hours of the student being excluded from the teacher's classroom about the exclusion;

(B) The teacher has 24 hours to create an electronic record and place the report of this action into the West Virginia Education Information System (WVEIS), without any repercussion to the teacher; and

(C) If the student is removed from a classroom a total of three times in one month for one or more of the behaviors set forth in this subsection, the student shall receive as determined by the principal an in-school suspension, an out-of-school suspension, or may be considered for placement in an alternative learning center if one is available within the school district.

(e) The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time, or alternative class settings.

(f) Corporal punishment of any student by a school employee is prohibited.

(g) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions. These policies shall encourage the use of alternatives to discipline practices, provide for the training of school personnel in alternatives to discipline practices, and provide for encouraging the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline. To promote a teaching and learning environment free from substantial classroom disturbances, each county board shall ensure that each school implements a tier system policy, with teacher input, to provide a framework for student behaviors and punishments. The policy shall be clear and concise with specific guidelines and examples. The principal shall support the teacher in the discipline of the students if proper cause and documentation is provided following the schoolwide discipline policy. The teacher may not be reprimanded if their actions are legal and within the structure of the county board's policy for student behavior and punishment. The county board policies shall also include an appeal procedure whereby a teacher may appeal to the county superintendent if a school principal refuses to allow the exclusion of a student from the classroom or if a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom. The county boards shall provide for the immediate incorporation and implementation in schools of a preventive discipline program which may include the responsible student program and a student involvement program, which may include the peer mediation program, devised by the West Virginia Board of Education. Each county board may modify those programs to meet the particular needs of the county. The county boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The county boards also may establish cooperatives with private entities to provide middle educational programs, which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students, and any other program related to preventive discipline.

(h) For the purpose of this section:

(1) 'Student' includes any child, youth or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of, or in connection with, any program under public school direction: *Provided*, That, in the case of adults, the student-teacher relationship shall terminate when the student leaves the school or other place of instruction or activity;

(2) 'Teacher' means all professional educators as defined in §18A-1-1 of this code and includes the driver of a school bus or other mode of transportation; and

(3) 'Principal' means the principal, assistant principal, vice principal or the administrative head of the school, or a professional personnel designee of the principal or the administrative head of the school.

(i) Teachers shall exercise other authority and perform other duties prescribed for them by law or by the rules of the state board not inconsistent with the provisions of this chapter and chapter 18 of this code.

(j) A teacher may remove a student in grades pre-k through 5 only under the following circumstances:

(1) Through documentation by the teacher that the student's behavior is repeatedly interfering with the teacher's instruction and classmates' ability to learn. If the teacher determines that the

student has consistently shown unruly, disruptive, or abusive behavior and affects his or her classmates' abilities to learn or if the student shows violent and aggressive behaviors, causing or intending to cause physical harm, to the teacher or the students in the classroom setting.

(2) The student may not be returned to that teacher's classroom without the teacher's consent unless the discipline committee, established by each individual school, determines that such placement is the best or only alternative available. If the student was removed from the teacher's class due to any physically harming behaviors or the intent to physically harm, the student may not be returned to the teacher's class without the teacher's consent and the teacher may not be coerced to consent.

(3) Not later than the third day of class after the day on which a student is removed from class by the teacher under this section, or by the school principal or other appropriate administrator under this section, the school discipline team shall schedule a conference including the teacher who requested removal of the student, the guardian of the student, and principal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the persons attendance, the school discipline team shall take consideration of the factors under this section and shall order the placement of the student for a period consistent with the schoolwide discipline policy.

(4) Before ordering the suspension, expulsions, removal to a disciplinary alternative education program, or placement in another classroom, the school discipline team shall consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the students disciplinary history, and whether the student has a disability that substantially impairs the students capacity to appreciate the wrongfulness of the students conduct regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

(5) Exceptions may be made when a student's behavior is characteristic of his or her diagnosis and is addressed in that student's IEP plan or 504 plan."

The bill was then ordered to engrossment and third reading.

H. B. 4817, Relating to updating the practice of nursing; 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. 4830, To address the professional development of teachers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4832, Relating to state superintendent's reports regarding the finances of school districts; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4838, Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4855, Require Division of Purchasing to write contracts in an unbiased manner; 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.

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. 4801, Relating generally to the banking authority of the State Treasurer's Office,

And,

Com. Sub. for H. B. 4837, Clarifying the duty of banks to retain and procure records.

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Hardy, McGeehan and Pinson.

Miscellaneous Business

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

H. B. 4292: Delegate Kelly;

H. B. 4314: Delegates Butler and Dillon;

H. B. 4400: Delegate Dillon;

H. B. 4415: Delegate Heckert;

H. B. 4437: Delegate Crouse;

H. B. 4482: Delegate Dittman;

H. B. 4504: Delegate Heckert;

H. B. 4565: Delegate Horst;

H. B. 4567: Delegate Dillon;

H. B. 4584: Delegate Horst;

H. B. 4609: Delegates Dean and Horst;

H. B. 4651: Delegate Holstein;

H. B. 4655: Delegate Holstein;

H. B. 4686: Delegate Holstein;

- H. B. 4723:** Delegates Mallow, Statler and Willis;
- H. B. 4736:** Delegate Dillon;
- H. B. 4739:** Delegate Dillon;
- H. B. 4753:** Delegates Akers, Cannon, Garcia, Hornbuckle, Hott and Jeffries;
- H. B. 4780:** Delegate Hornby;
- H. B. 4882:** Delegates Hornby and Tully;
- H. B. 4941:** Delegate Dillon;
- H. B. 4963:** Delegates Chiarelli and Willis;
- H. B. 4975:** Delegate Young;
- H. B. 5014:** Delegates Rohrbach, Statler and Williams;
- H. B. 5036:** Delegates Kimble, Kirby and Mazzocchi;
- H. B. 5106:** Delegate Dillon;
- H. B. 5107:** Delegate Dillon;
- H. B. 5128:** Delegates Holstein and Riley;
- H. B. 5148:** Delegate Holstein;
- H. B. 5157:** Delegate Hornbuckle;
- H. B. 5177:** Delegate Riley;
- H. B. 5179:** Delegates Hornby, Hott, Kimble, Longanacre, Mazzocchi and Tully;
- H. B. 5208:** Delegate Burkhammer;
- H. B. 5226:** Delegate Young;
- H. C. R. 45:** Delegates Clark and C. Pritt;
- H. J. R. 3:** Delegates Bridges and Smith;
- And,
- H. J. R. 8:** Delegate Horst.

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

- H. B. 4804:** Delegate Zatezalo;

H. B. 5297: Delegate Kimble;

And,

H. B. 5320: Delegate E. Pritt.

At 12:20 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 31, 2024.

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

SPECIAL CALENDAR

Wednesday, January 31, 2024

22nd Day

11:00 A.M.

THIRD READING

- Com. Sub. for H. B. 4376 - Relating to surgical smoke evacuation
- H. B. 4776 - Relating to adding elementary schools into school disciplinary measures
- H. B. 4817 - Relating to updating the practice of nursing
- Com. Sub. for H. B. 4830 - To address the professional development of teachers.
- H. B. 4832 - Relating to state superintendent's reports regarding the finances of school districts
- H. B. 4838 - Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information

SECOND READING

- Com. Sub. for H. B. 4801 - Relating generally to the banking authority of the State Treasurer's Office
- Com. Sub. for H. B. 4837 - Clarifying the duty of banks to retain and procure records
- H. B. 4855 - Require Division of Purchasing to write contracts in an unbiased manner

FIRST READING

- H. B. 4292 - Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production
- Com. Sub. for H. B. 4867 - Require pornography websites to utilize age verification methods to prevent minors from accessing content
- Com. Sub. for H. B. 4940 - A squatter cannot be considered a tenant in WV.
- Com. Sub. for H. B. 4965 - Mandating restitution to children of victims of negligent homicide or driving under the influence causing death
- H. B. 4998 - Modifying penalties for third offense shoplifting

- H. B. 5014 - Supplementing and amending appropriations to West Virginia University General Administration Fund
- Com. Sub. for H. B. 5016 - Allow women to work on inmate road crews
- H. B. 5096 - Change the requirement for posting public notices at the state and federal level for PSDs.
- H. B. 5117 - Relating generally to waiver of initial licensing fees for certain individuals
- Com. Sub. for H. B. 5157 - Relating to contingent increase of tax rate on certain eligible acute care hospitals
- H. B. 5194 - Requiring purchases of certain commodities and services from state use program partners

HOUSE CALENDAR

Wednesday, January 31, 2024

22nd Day

11:00 A.M.

SECOND READING

- H. B. 4795 - Relating to permitting an academic medical center to operate an opioid treatment facility.
- H. B. 4878 - Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- H. B. 4881 - Relating to bringing terms not defined in that act into conformity with the meaning of those terms for federal income tax purposes
- H. B. 4957 - Relating generally to lobbying rules

FIRST READING

- Com. Sub. for H. B. 4315 - Providing DMV with certain medical information related to mental or physical disabilities as it relates to the ability of a person to drive safely
- H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia
- Com. Sub. for H. B. 4621 - Relating to the Division of Correction and Rehabilitation posting mug shot photos for an arrest
- H. B. 4777 - Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed

WEST VIRGINIA HOUSE OF DELEGATES

WEDNESDAY, JANUARY 31, 2024

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON RULES
10:45 A.M. - BEHIND THE CHAMBER

COMMITTEE ON PREVENTION AND TREATMENT OF SUBSTANCE ABUSE
9:00 A.M. – EAST WING COMMITTEE ROOM

COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
9:15 A.M. – FINANCE COMMITTEE ROOM

SELECT COMMITTEE ON ARTIFICIAL INTELLIGENCE
9:30 A.M. – EDUCATION COMMITTEE ROOM

COMMITTEE ON WORKFORCE DEVELOPMENT
10:00 A.M. - JUDICIARY COMMITTEE ROOM

COMMITTEE ON JUDICIARY
1:00 P.M. -JUDICIARY COMMITTEE ROOM

COMMITTEE ON FINANCE
1:00 P.M. -FINANCE COMMITTEE ROOM

COMMITTEE ON EDUCATION
2:00 P.M. -EDUCATION COMMITTEE ROOM

COMMITTEE ON GOVERNMENT ORGANIZATION
3:00 P.M. -EAST WING COMMITTEE ROOM

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