

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Third Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



March 23, 2017
FORTY-FOURTH DAY

Thursday, March 23, 2017

FORTY-FOURTH DAY

[MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Wednesday, March 22, 2017, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for H. B. 2871, on Second Reading, Special Calendar, to the House Calendar.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2936, Requiring competitive bidding for all state purchases of commodities, printing and service,

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

Com. Sub. for H. B. 2936 – “A Bill to repeal §5A-3-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-11 of said code, all relating to requiring competitive bidding for all state purchases of commodities, printing and services of \$25,000 or less in cost; repealing the provision for master contracts and approved vendors; requiring purchases to be made at the lowest retail cost for the desired level of quality of the commodities, printing and services; eliminating requirements for written bids for purchases of \$2,500 or less; requiring purchases to be made at the lowest retail price available for the commodities, printing and services at the level of quality sought by the spending unit,”

With the recommendation that the committee substitute do pass.

On motion for leave, bills were introduced (Originating in the Committee on Finance and reported with the recommendation that they each do pass), which were read by their titles, as follows:

By Delegates Frich and Butler:

H. B. 3107 - “A Bill to amend and reenact §19-23-7, §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and

reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27 and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's general administrative account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in another location within the county as approved by the Lottery Commission; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates,"

And,

By Delegates Nelson, C. Miller, Boggs, Westfall, Anderson, Frich and Hartman:

H. B. 3108 - "A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10d and §29-22A-10e of said code, all relating to authorizing the redirection of certain amounts to the General Revenue Fund; authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to July 1, 2018; and authorizing the redirection of amounts collected from certain deposits of revenues from net terminal income for periods prior to July 1, 2018."

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

Your Committee on Education has had under consideration:

H. B. 2815, Relating to higher education governance,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2815) was referred to the Committee on the Judiciary.

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

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

Com. Sub. for S. B. 398, Creating Emergency Volunteer Health Practitioners Act,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 398) was referred to the Committee on the Judiciary.

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

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

H. B. 3028, Relating to the Comprehensive Substance Use Reduction Act,

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

Com. Sub. for H. B. 3028 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to the Office of Drug Control Policy; creating the Office of Drug Control Policy; requiring the office to develop a strategic plan; requiring the office to coordinate with other entities; coordinating funding; requiring data sharing; providing emergency rulemaking authority; providing rulemaking authority; creating a plan to add treatment beds; creating a special revenue account; and required reporting,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2711, Abolishing regional educational service agencies and providing for the transfer of property and records,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2711) was referred to the Committee on Finance.

Delegate Howell, 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. 2939, Relating to the sale of items in the State Police Academy post exchange to the public,

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

Com. Sub. for H. B. 2939 - "A Bill to amend and reenact §15-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-2E-3 and §15-2E-5 of said code, all relating to the sale of items in the State Police Academy post exchange to the public,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference of the bill to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2939) to the Committee on the Judiciary was abrogated.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2548, Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer,

And,

H. B. 2869, Providing for paid leave for certain state officers and employees during a declared state of emergency,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 113, Authorizing DEP promulgate legislative rules,

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

Resolutions Introduced

Delegates McGeehan, Hamilton and Folk offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 96 – "Requesting the Division of Highways to name Bridge Number 05-1/8-0.03 (05A079) (40.36929, -80.54590), locally know as Colliers Way Bridge, carrying County Route 1/8 over Harmon Creek in Brooke County, West Virginia, the 'U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge'."

Whereas, Mark Douglas Cool, of Colliers, West Virginia, was born January 7, 1949, and grew up to become a United States Marine; and

Whereas, Mark Douglas Cool was trained as a mortarman and served with the H&S Company, 1st Battalion, 26th Marines, 3rd Marine Division in Vietnam, reaching the rank of corporal; and

Whereas, Cpl Mark Douglas Cool died at the age of nineteen, March 2nd, 1968, from wounds received in hostile action in Quang Tri Province in South Vietnam; and

Whereas, Cpl Mark Douglas Cool's name is found at Panel 42E, Line 28 on the Vietnam Veterans Memorial; and

Whereas, Cpl Mark Douglas Cool was awarded the Purple Heart, National Defense, Vietnam Service and Vietnam Campaign Medals; and

Whereas, It is appropriate to provide a memorial to this Colliers, West Virginia citizen who sacrificed his life for his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 05-1/8-0.03 (05A079) (40.36929, -80.54590), locally know as Colliers Way Bridge, carrying County Route 1/8 over Harmon Creek in Brooke County, West Virginia, the "U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge the "U. S. Marine Corps Cpl Mark Douglas Cool Memorial Bridge"; and, be it

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

Delegates Eldridge, Maynard, C. Miller, Hornbuckle, C. Romine, Lovejoy, R. Miller, Rodighiero, Lane, White, Rohrbach, Ambler, Anderson, Arvon, Baldwin, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Dean, Deem, Diserio, Ellington, A. Evans, Fast, Ferro, Fleischauer, Fluharty, Frich, Sypolt, Hamrick, Hartman, Hill, Iaquina, Isner, Kelly, Longstreth, Lynch, Marcum, O'Neal, Paynter, Phillips, Pushkin, Pyles, Queen, Robinson, R. Romine, Rowan, Rowe, Sponaule, Summers, Walters, Ward, Williams, Wilson and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 97 – "Requesting the Joint Committee on Government and Finance to study the feasibility of building a road to connect Lincoln County to Cabell County, similar to a road planned to connect Boone County to surrounding regions via U.S. Route 119."

Whereas, Lincoln County, West Virginia has long been an economically depressed area; and

Whereas, Lincoln County lacks easy access to nearby counties; and

Whereas, The isolation suffered by residents of Lincoln County, West Virginia, contributes to the economic depression of the area; and

Whereas, Construction of a roadway providing convenient and safe access to nearby Cabell County, which offers interstate, railway, airport and river transportation, could stimulate economic development and enable individuals in Lincoln County to commute into the Huntington area; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the feasibility of building a road to connect Lincoln County to Cabell County, similar to a road planned to connect Boone County to surrounding regions via U.S. Route 119; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Delegates Gearheart, Criss, Storch, Longstreth, Westfall, Hamrick, Phillips, Overington, C. Miller, Walters and Ambler offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 98 – “Requesting the Division of Highways to name Bridge Number 20-77-83.31 (20A612) (38.19472, -81.47715), carrying I-77 (West Virginia Turnpike) over the CSX Railroad in Kanawha County, the ‘John H. Reed, Jr. Memorial Bridge’.”

Whereas, John H. Reed, Jr. was born on October 25, 1919, in Craddock, Virginia, the oldest child of John H. Reed, Sr. and Nellie Grey Hutchison Reed; and

Whereas, John H. Reed, Jr. grew up in South Charleston, and was graduated from South Charleston High School in 1937, where he excelled in the classroom and on the football field; he then attended Kanawha College where he met the love of his life and future wife, Lottie L. Miller; he graduated from New River State College in 1941, where he was a member of the football, basketball and baseball teams; and

Whereas, In November, 1941, John enlisted in the U. S. Army, and served throughout World War II as a Lieutenant in the 40th Combat Engineer Regiment, in North Africa, Sicily, Italy, France and also in Germany, where he was one of the first Allied troops to enter and liberate the Nazi concentration camp at Dachau; and

Whereas, In 1949, John graduated from Washington & Lee University College of Law, having completed law school in just two years, and returned to South Charleston where he opened a private practice and also became an adjunct professor at Morris Harvey College; and

Whereas, In the early 1950's, John H. Reed, Jr. served as counsel to the West Virginia Turnpike Commission and oversaw the title acquisition of property for the right-of-way for the West Virginia Turnpike; and

Whereas, In 1958, John H. Reed, Jr. became the first elected municipal judge for the City of South Charleston and during his four year term, no fatal automobile accidents occurred on U.S. Route 60, then the main thoroughfare through South Charleston; and

Whereas, After World War II, John continued his military service in the U. S. Army Reserve and attained the rank of Lieutenant Colonel; he retired in 1970 as the Commander of the 38th Ordinance Group of Troop Units then located in South Charleston, which included command of all the U. S. Army Reserve components in the state; and

Whereas, John H. Reed, Jr. maintained a private law practice in South Charleston and in Hurricane, West Virginia for over 50 years, including being the senior partner of the law firm of Reed & Reed; and

Whereas, John H. Reed, Jr. also served his community and profession as a former state committeeman and parliamentarian of the Association of Trial Lawyers of America, former officer of the West Virginia Trial Lawyers Association, former chairman of the Unlawful Practice Committee of the West Virginia State Bar, former president of the Spring Hill chapter of the Civitans and as a member of various other organizations; and

Whereas, John H. Reed, Jr. departed this life on November 16, 2004, and is survived by his daughter, Donna Reed Turner and her husband, J. Thomas Turner, of South Charleston, West Virginia; son, John H. Reed, III and his wife, Jane Ann Reed, of Hurricane, West Virginia; son, Ellis Miller Reed of New Smyrna, Florida; grandchildren, David Turner, Joanna Elizabeth Wilder, Leah Anne Vecchione, Jeffrey Reed and Ellisa Reed, and five greatgrandchildren; and

Whereas, It is fitting to honor John H. Reed, Jr. for his service to his community, his state and his country by naming the said bridge the "John H. Reed, Jr. Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the Bridge Number 20-77-83.31 (20A612) (38.19472, -81.47715), carrying I-77 (West Virginia Turnpike) over the CSX Railroad in Kanawha County, the "John H. Reed, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying said bridge as the "John H. Reed, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Delegates Eldridge, Maynard, R. Romine, C. Romine, Hornbuckle, C. Miller, R. Miller, Rodighiero, Marcum, Atkinson and Storch offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 99 – "Requesting the Division of Highways to erect signs at US Route 119 (38.000000, -81.896312), US Route 52 (38.000000, -82.497784), US Route 19 (38.000000, -81.142790), US Route 60 (38.000000, -80.752096; 38.000000, -80.736475; 38.000000, -80.878236) and US Route 219 (38.000000, -80.364615) designating that the motorist is crossing the 38th parallel north in honor of the Veterans of the Korean War and particularly in memory of the thousands who died in the pursuit of freedom for all mankind."

Whereas, The 38th parallel north is a circle of latitude that is 38 degrees north of the earth's equatorial plane; and

Whereas, The 38th parallel north has been especially important in recent history as the dividing line between the countries of North and South Korea; and

Whereas, The military struggle fought on the Korean Peninsula began in 1950 with the invasion of North Korea crossing the 38th parallel into South Korea; and

Whereas, The 38th parallel was the place where the cease-fire was called that effectively ended the Korean War in July 1953, after more than three years of the conflict; and

Whereas, As a fitting tribute to those who fought against communist aggression in Korea, and especially the thousands who were killed, a sign designating that the motorist is crossing the 38th parallel north should be erected on US Route 119, US Route 52, US Route 19, US Route 60 and US 219; therefore, be it

Resolved by the Legislature of West Virginia:

That the Secretary of the Department of Transportation is hereby requested to erect signs on US Route 119 (38.000000, -81.896312), US Route 52 (38.000000, -82.497784), US Route 19 (38.000000, -81.142790), US Route 60 (38.000000, -80.752096; 38.000000, -80.736475; 38.000000, -80.878236) and US Route 219 (38.000000, -80.364615) designating that the motorist is crossing the 38th parallel north in honor of the Veterans of the Korean War and particularly in memory of the thousands who died in the pursuit of freedom for all mankind; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have signs containing bold and prominent letters erected on US Route 119, US Route 52, US Route 19, US Route 60 and US Route 219, designating to motorists that they are crossing the 38th parallel north in honor of the Veterans of the Korean War; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

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

H. C. R. 25, U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis Memorial Bridge,

H. C. R. 27, U.S. Army 1LT Patricia Simon Bridge,

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

H. C. R. 48, U.S. Army SPC David H. Stamper Memorial Bridge,

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

H. C. R. 66, Sustainability of the state's current system of higher education,

And,

H. C. R. 87, Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway.

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 S. B. 127, Authorizing Department of Revenue to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 141**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Speaker Armstead, Frich, Hollen, Marcum, C. Romine and Sobonya.

Absent and Not Voting: Hornbuckle and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 127) passed.

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

Com. Sub. for S. B. 127 – “A Bill to amend and reenact §64-7-1, §64-7-2, §64-7-3, §64-7-4 and §64-7-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain department of revenue legislative rules; repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards under the Department of Revenue which are no longer authorized or are obsolete; authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering; authorizing the Lottery Commission to promulgate a legislative rule relating to limited video lottery; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to revision of levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; and repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions.”

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

On this question, the yeas and nays were taken (**Roll No. 142**), 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: Hornbuckle and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 127) 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. 2519, Medicaid program compact; 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. 143**), 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: Hornbuckle and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2519) 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. 2808, The West Virginia Assisted Outpatient Treatment 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. 144**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Folk, Isner and McGeehan.

Absent and Not Voting: Hamilton, Hornbuckle and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2808) 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. 2857, West Virginia Safer Workplaces 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. 145**), and there were—yeas 80, nays 19, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Baldwin, Bates, Caputo, Diserio, E. Evans, Fleischauer, Fluharty, Hicks, Hornbuckle, Longstreth, Lovejoy, Lynch, Miley, R. Miller, Pushkin, Pyles, Robinson, Rodighiero and Thompson.

Absent and Not Voting: White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2857) passed.

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

Com. Sub. for H. B. 2857 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplace Act; permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplace Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees; providing protection from liability; prohibiting certain causes of action for employers who have established a program in accordance with the West Virginia Safer Workplace Act; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing.”

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

H. B. 3009, Relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database; 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. 146**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3009) 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. 3061, Encouraging mastery-based education through the Innovation In Schools program; 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. 147**), 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: White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3061) 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. 3089, Relating to the adoption of instructional resources for use in the public schools; 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. 148**), and there were—yeas 68, nays 31, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Lovejoy, Lynch, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Thompson and Williams.

Absent and Not Voting: White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3089) passed.

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

Second Reading

Com. Sub. for S. B. 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2180, Authorizing the issuance of special “In God We Trust” motor vehicle registration plates; 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. 2208, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan; 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. 2366, Relating to selling Jackie Withrow Hospital; 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. 2475, Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Nelson and Butler, the bill was amended on page two, section three, line fourteen, following the words “consideration for offset”, by striking out the period and inserting the words “and shall certify to the Auditor that all applicable due process requirements have been met”, followed by a period.

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2494, Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request; 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. 2524, Improving the focus on school-level continuous improvement processes; on second reading, coming up in regular order, was read a second time.

Delegate Rowe moved to amend the bill on page one, by striking out everything after the enacting clause, and inserting in lieu thereof the following:

“That §10-5-2a of the Code of West Virginia, 1931, as amended; be repealed; that §18-2I-3 of said code be repealed; that §18A-3-2d of said code be repealed; that §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code be repealed; that §18B-1-5a, §18B-11-4 and §18B-11-6 of said code be repealed; that §18-2I-1, §18-2I-2 and §18-2I-4 of said code be amended and reenacted; that §18A-2-9 and §18A-2-12 of said code be amended and reenacted; that §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code be amended and reenacted; that §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code be amended and reenacted; that §18B-16-5 and §18B-16-8 of said code be amended and reenacted, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 2I. STATE-LEVEL LEADERSHIP FOR PROFESSIONAL DEVELOPMENT SYSTEM.

§18-2I-1. Professional development coordination and delivery; system goals.

The purpose of this article is to establish clear state-level leadership for professional development for all West Virginia public school educators and administrators. As the state institution charged with the general supervision of the state school system, the state board shall institute a system for the coordination and delivery of high-quality professional development. The system shall clearly define the goals for professional development and delineate roles and responsibilities ~~among the various state and regional professional development providers of the various state, regional, school district and individual school levels for the delivery of high-quality professional development.~~ The state board shall include among the goals for the system of professional development the following:

(1) The instructional leadership skills of principals are developed to ensure that each school is led by a principal who is knowledgeable of continuous improvement processes and capable of leading effective improvement efforts. The principal also must understand the value of fair and accurate personnel performance evaluations as an effective, continuous improvement effort to drive professional learning at the school level;

(2) Professional development is among the array of supports and processes necessary under a performance-based accreditation system to build the capacity of schools to impact student performance and well-being by increasing staff individual and collective skills, competencies and abilities. It should be based on a thorough analysis of accountability data and strategic planning for continuous improvement that addresses those areas that must be a priority for individual school support, including an analysis of personnel evaluation data in order to target individualized professional learning at the school level;

(3) The school is the unit of change. Local, regional, and state resources, policies and procedures must focus on assisting the improvement of each West Virginia school and on differentiating supports according to need and level of performance, including the implementation of school-based professional development programs that address the unique needs of staff and students; and

(4) Professional development should be delivered using techniques, school schedules or time in a manner that does not diminish student learning by the absence of their classroom teacher.

§18-2I-2. Legislative findings.

The Legislature finds:

(1) That high-quality professional development is critical in supporting improved practice, assuring teacher quality and raising student achievement;

(2) That professional development is vital in the state's overall school improvement efforts;

(3) That the state board ~~should~~ shall assure the efficient delivery of high-quality professional development programs and ~~assure~~ that the duplication of efforts be minimized; ~~and~~

(4) That the state board shall assure all stakeholders are appropriately involved in the planning and implementing of programs to meet requisite needs and that high-quality professional development programs be provided to public school educators of West Virginia in the most efficient and cost effective manner; and

~~(4) It should be the goal that professional development occur outside of scheduled instructional time so student learning is not interrupted by the absence of their classroom teacher.~~

(5) That continuous improvement is the on-going process of planning, determining, implementing and refining efforts to improve student performance and well-being. It is the collective staff process of analyzing student performance data, studying current school and classroom practices, determining root causes, researching solutions and implementing processes outlined in the school's strategic plan; and

(6) That the capacity for excellence resides in every school. Schools are responsible for creating school-wide and classroom conditions that produce student success. Every school needs quality leadership and the flexibility and support to make the decisions that will lead to the achievement of all students.

§18-2I-4. Coordination, development and evaluation of professional development programs.

(a) On or before ~~June 1, 2013~~ June 1, 2017, the state board shall promulgate an emergency rule in accordance with article three-b, chapter twenty-nine of this code to ensure the coordination, development and evaluation of high-quality professional development programs. On or before ~~November 1, 2013~~ November 1, 2017, the state board shall promulgate a legislative rule for the same purpose. The rules shall include, but are not limited to, the following:

(1) Standards for quality professional development that all professional development providers shall use in designing, implementing and evaluating professional development that shall become part of the statewide professional development plan system for the coordinated delivery of high-quality professional development established by the state board;

(2) Processes for aggregating information, in part from school and school district strategic plans, to determine areas of common need for professional development, as well as those more varied, to assist in the design of the most effective and efficient method and level of delivery;

~~(2)~~ (3) Processes for assuring professional development resources are appropriately allocated to identified areas of need;

(3) Processes for approval by state board of all professional development plans/offerings;

(4) Processes for evaluating the effectiveness, efficiency, and impact of the professional development;

(5) Processes for ensuring all stakeholders, including affected principals and classroom teachers, have a voice in the identification of needed professional development and various delivery models;

(6) Processes for collaboration among West Virginia Department of Education, Center for Professional Development RESAs, county boards, principals and classroom teachers; and

(7) Processes for ensuring that the expertise and experience of state institutions of higher education with teacher preparation programs are included in developing and implementing professional development programs.

~~(b) The state board approval of the proposed professional development plans/offerings shall establish a Master Plan for Professional Development which shall be submitted by the state board to the affected agencies and to the Legislative Oversight Commission on Education Accountability. The Master Plan shall include the state board approved plans for professional development by the state Department of Education, the Center for Professional Development, the state institutions of higher education and the regional educational service agencies to meet the professional development goals of the state board~~

(b) To assist in the delivery of high quality professional development for teachers, principals and other school employees, the state board shall incorporate within the department of education a Center for Professional Development whose general mission shall be under the direction of the state board to advance the quality of teaching and learning in the schools of West Virginia through: (1) The implementation primarily of statewide training, professional staff development, including professional staff development for at least teachers, principals and paraprofessionals; (2) Providing technical assistance programs and practices as recommended by the state board to assure the highest quality of teaching and instructional leadership; and (3) Providing technical and other assistance and support to schools and school systems to address locally identified needs for professional development and training programs to meet their locally identified needs in a manner that is cost effective consistent with best practices. Additionally, the center shall perform other duties assigned to it by the state board. Nothing in this article requires any specific level of funding by the Legislature.

(c) The state board shall submit a status report on or before December 1 of each year on the professional development needs and the effectiveness, efficiency and impact of the statewide professional development plan programs delivered to the Legislative Oversight Commission on Education Accountability.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-9. Duties and responsibilities of school principals; assistant principals.

(a) Upon the recommendation of the county superintendent of schools, the county board of education shall employ and assign, through written contract, public school principals who shall be the principal instructional leader of the school and shall supervise the management and the operation of the school or schools to which they are assigned to improve student performance and progress. Such The principals shall hold valid administrative certificates appropriate for their assignments.

(b) Beginning on ~~July 1, 1994~~ July 1, 2018, the prerequisites for issuance of an administrative certificate for principals shall include that the person has successfully completed at least six credit hours of approved course work in public school instructional leadership and management techniques at an accredited institution of higher education, including, but not limited to, the standards for high quality schools, the school accreditation process and strategic planning for continuous improvement.
~~And~~

(c) Prior to employment as a principal or assistant principal, or in another administrative position the duties of which require conducting personnel performance evaluations, the principal, assistant or administrator has successfully completed education and training in evaluation skills through the center for professional development, or equivalent education and training in evaluation skills approved by the state board.

(d) Under the supervision of the superintendent and in accordance with the rules and regulations of the county board of education, the principal

(1) Shall assume administrative and instructional ~~supervisory~~ leadership responsibility for the planning, management, operation and evaluation of the total educational program of the school or schools to which he or she is assigned.

(2) ~~The principal~~ May submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the school or schools under said principal's control. ~~Such~~ The recommendations shall be submitted in writing as prescribed by the superintendent; and

(3) ~~The principal~~ Shall perform such other duties as may be assigned by the superintendent pursuant to the rules and regulations of the county board of education.

(e) Upon recommendation of the county superintendent of schools, the county board of education shall, when needed, employ and assign, through written contract, assistant principals who shall work under the direction of the school principal. Such assistant principals shall hold valid administrative certificates appropriate for their assignments.

(f) ~~On or before July 1, 1989, and continuing thereafter~~ The assignment of principals and assistant principals by each county board of education shall assign is subject to the following:

(1) A certificated principal shall be assigned to each school; ~~and no~~

(2) A principal may not be assigned more than two schools: ~~Provided, That where enrollment exceeds four hundred students there will be~~

(3) No additional schools may be assigned to ~~that~~ the principal of a school where enrollment exceeds four hundred students.

(4) ~~No~~ A principal assigned to more than one school may not be assigned any teaching duties except on a temporary emergency basis. ~~No county shall have more teaching principalships or multischool principalships than was present on January 1, 1988~~

~~On or before July 1, 1993, and continuing thereafter, each county board of education shall employ a full-time supervising~~

(5) A principal shall be assigned full-time at each school whose net enrollment equals or exceeds one hundred seventy students ~~A principal assigned to a school with a net enrollment equal to or~~

~~greater than one hundred seventy students~~ and may not be assigned any teaching duties except on a temporary emergency basis.

~~(6) When~~ A principal assigned on a full-time basis to a school whose net enrollment is more than seventy-five students but less than one hundred seventy students ~~such principal~~ shall have a minimum of twenty hours per week for nonteaching duties.

~~(7)~~ A principal assigned on a full-time basis to a school with seventy-five students or less shall have a minimum of ten hours per week for nonteaching duties. ~~Provided, That~~

~~(8)~~ Nothing in this section prohibits a county board of education from assigning a full-time ~~supervising~~ principal to a school with a net enrollment of less than one hundred seventy students.

~~Nothing contained in this section shall be construed to reduce or limit the rights and privileges of principals and assistant principals as teachers under the provisions of section one, article one, chapter eighteen of the Code of West Virginia as amended; section one, article one, chapter eighteen-a; and other provisions of this code: Provided, That on or before July 1, 1993, the State Board of Education shall not deny a county board of education the right to place a principal in a school with less than one hundred seventy students.~~

§18A-2-12. Performance evaluations of school personnel; professional personnel evaluation process; restrictions on requirements on lesson plans and record keeping by classroom teachers.

(a) The state board shall adopt a written system for the evaluation of the employment performance of personnel, which system shall be applied uniformly by county boards in the evaluation of the employment performance of personnel employed by the board.

(b) The system adopted by the state board for evaluating the employment performance of professional personnel shall be in accordance with the provisions of this section.

(c) For purposes of this section, 'professional personnel', 'professional' or 'professionals', means professional personnel and other professional employees, as defined in section one, article one of this chapter but does not include classroom teachers, principals and assistant principals subject to the evaluation processes established pursuant to section two, article three-c of this chapter.

~~(d) In developing the professional personnel performance evaluation system, and amendments thereto, the state board shall consult with the Center for Professional Development created in article three-a of this chapter. The center shall participate actively with the state board in developing written standards for evaluation which clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each professional meets those standards.~~

~~(e)~~ (d) The performance evaluation system shall contain, but not be limited to, the following information:

(1) The professional personnel positions to be evaluated;

(2) The frequency and duration of the evaluations, which shall be of such frequency and duration as to insure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn, but at least annually;

(3) The evaluation shall serve the following purposes:

(A) Serve as a basis for the improvement of the performance of the personnel in their assigned duties;

(B) Provide an indicator of satisfactory performance for individual professionals;

(C) Serve as documentation for a dismissal on the grounds of unsatisfactory performance; and

(D) Serve as a basis for programs to increase the professional growth and development of professional personnel;

(4) The standards for satisfactory performance for professional personnel and the criteria to be used to determine whether the performance of each professional meets those standards and other criteria for evaluation for each professional position evaluated. Professional personnel, as appropriate, shall demonstrate competency in the knowledge and implementation of the technology standards adopted by the state board. If a professional fails to demonstrate competency in the knowledge and implementation of these standards, he or she will be subject to an improvement plan to correct the deficiencies; and

(5) Provisions for a written improvement plan, which shall be specific as to what improvements, if any, are needed in the performance of the professional and shall clearly set forth recommendations for improvements, including recommendations for additional education and training during the professional's recertification or license renewal process.

~~(f)~~ (e) A professional whose performance is considered to be unsatisfactory shall be given notice of deficiencies. A remediation plan to correct deficiencies shall be developed by the employing county board and the professional. The professional shall be given a reasonable period of time for remediation of the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the deficiencies.

~~(g)~~ (f) No person may evaluate professional personnel for the purposes of this section or professional educator for the purposes of section two, article three-c of this chapter unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills ~~through the center for professional development, or equivalent education training~~ approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating. ~~After July 1, 1994, no person may be issued an administrative certificate or have an administrative certificate renewed unless the state board determines that the person has successfully completed education and training in evaluation skills through the center for professional development or equivalent education and training approved by the state board.~~

~~(h)~~ (g) Any professional whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional recommendations for improvement or may recommend the dismissal of the professional in accordance with the provisions of section eight of this article.

~~(i)~~ (h) This subsection applies to all classroom teachers irrespective of the process under which they are evaluated.

(1) Lesson plans are intended to serve as a daily guide for teachers and substitutes for the orderly presentation of the curriculum. Lesson plans may not be used as a substitute for observations by an

administrator in the performance evaluation process. A classroom teacher, as defined in section one, article one of this chapter, may not be required to post his or her lesson plans on the Internet or otherwise make them available to students and parents or to include in his or her lesson plans any of the following:

- (A) Teach and reteach strategies;
 - (B) Write to learn activities;
 - (C) Cultural diversity;
 - (D) Color coding; or
 - (E) Any other similar items which are not required to serve as a guide to the teacher or substitute for daily instruction;
- (2) The Legislature finds that classroom teachers must be free of unnecessary paper work so that they can focus their time on instruction. Therefore, classroom teachers may not be required to keep records or logs of routine contacts with parents or guardians;
- (3) Nothing in this subsection may be construed to prohibit classroom teachers from voluntarily posting material on the Internet; and
- (4) Nothing in article three-c of this chapter may be construed to negate the provisions of this subsection.

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

§18A-3-1. Teacher preparation programs; program approval and standards; authority to issue teaching certificates.

(a) The education of professional educators in the state is under the general direction and control of the state board after consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education who shall represent the interests of educator preparation programs within the institutions of higher education in this state as defined in section two, article one, chapter eighteen-b of this code.

The education of professional educators in the state includes all programs leading to certification to teach or serve in the public schools. The programs include the following:

- (1) Programs in all institutions of higher education, including student teaching and teacher-in-residence programs as provided in this section;
- (2) Beginning teacher induction programs;
- (3) Granting West Virginia certification to persons who received their preparation to teach outside the boundaries of this state, except as provided in subsection (b) of this section;
- (4) Alternative preparation programs in this state leading to certification, including programs established pursuant to the provisions of sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h and one-i of this article and programs which are in effect on the effective date of this section; and

(5) Continuing professional education, professional development and in-service training programs for professional educators employed in the public schools in the state.

(b) After consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education, the state board shall adopt standards for the education of professional educators in the state and for awarding certificates valid in the public schools of this state. The standards include, but are not limited to the following:

(1) A provision for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America;

~~(1)~~ (2) A provision for the study of multicultural education. As used in this section, multicultural education means the study of the pluralistic nature of American society including its values, institutions, organizations, groups, status positions and social roles;

~~(2)~~ (3) A provision for the study of classroom management techniques, including methods of effective management of disruptive behavior including societal factors and their impact on student behavior; and

~~(3)~~ (4) A teacher from another state shall be awarded a teaching certificate for a comparable grade level and subject area valid in the public schools of this state, subject to section ten of this article, if he or she has met the following requirements:

(A) Holds a valid teaching certificate or a certificate of eligibility issued by another state;

(B) Has graduated from an educator preparation program at a regionally accredited institution of higher education or from another educator preparation program;

(C) Possesses the minimum of a bachelor's degree; and

(D) Meets all of the requirements of the state for full certification except employment.

(c) The state board may enter into an agreement with county boards for the use of the public schools in order to give prospective teachers the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

(d) An agreement established pursuant to subsection (c) of this section shall recognize student teaching as a joint responsibility of the educator preparation institution and the cooperating public schools. The agreement shall include the following items:

(1) The minimum qualifications for the employment of public school teachers selected as supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising;

(2) The remuneration to be paid to public school teachers by the state board, in addition to their contractual salaries, for supervising student teachers;

(3) Minimum standards to guarantee the adequacy of the facilities and program of the public school selected for student teaching;

(4) Assurance that the student teacher, under the direction and supervision of the supervising teacher, shall exercise the authority of a substitute teacher;

(5) A provision requiring any higher education institution with an educator preparation program to document that the student teacher's field-based and clinical experiences include participation and instruction with multicultural, at-risk and exceptional children at each programmatic level for which the student teacher seeks certification; and

(6) A provision authorizing a school or school district that has implemented a comprehensive beginning teacher induction program, to enter into an agreement that provides for the training and supervision of student teachers consistent with the educational objectives of this subsection by using an alternate structure implemented for the support, supervision and mentoring of beginning teachers. The agreement is in lieu of any specific provisions of this subsection and is subject to the approval of the state board.

(e) *Teacher-in-residence programs.* —

(1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval of the state board, an institution of higher education with a program for the education of professional educators ~~in the state~~ approved by the state board may enter into an agreement with county boards for the use of teacher-in-residence programs in the public schools.

(2) A 'teacher-in-residence program' means an intensively supervised and mentored residency program for prospective teachers during their senior year that refines their professional practice skills and helps them gain the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools.

(3) The authorization for the higher education institution and the county board to implement a teacher-in-residence program is subject to state board approval. The provisions of the agreement include, but are not limited to, the following items:

(A) A requirement that the prospective teacher in a teacher-in-residence program has completed all other preparation courses and has passed the appropriate basic skills and subject matter test or tests required by the state board for teachers to become certified in the area for which licensure is sought;

(B) A requirement that the teacher-in-residence serve only in a teaching position in the county which has been posted and for which no other teacher fully certified for the position has been employed;

(C) Specifics regarding the program of instruction for the teacher-in-residence setting forth the responsibilities for supervision and mentoring by the higher education institution's educator preparation program, the school principal, and peer teachers and mentors, and the responsibilities for the formal instruction or professional development necessary for the teacher-in-residence to perfect his or her professional practice skills. The program also may include other instructional items as considered appropriate.

(D) A requirement that the teacher-in-residence hold a teacher-in-residence permit qualifying the individual to teach in his or her assigned position as the teacher of record;

(E) A requirement that the salary and benefit costs for the position to which the teacher-in-residence is assigned shall be used only for program support and to pay a stipend to the teacher-in-residence as specified in the agreement, subject to the following:

(i) The teacher-in-residence is a student enrolled in the teacher preparation program of the institution of higher education and is not a regularly employed employee of the county board;

(ii) The teacher-in-residence is included on the certified list of employees of the county eligible for state aid funding the same as an employee of the county at the appropriate level based on their permit and level of experience;

(iii) All state-aid-funding due to the county board for the teacher-in-residence shall be used only in accordance with the agreement with the institution of higher education for support of the program as provided in the agreement, including costs associated with instruction and supervision as set forth in paragraph (C) of this subdivision;

(iv) The teacher-in-residence is provided the same liability insurance coverage as other employees; and

(v) All state aid funding due to the county for the teacher-in-residence and not required for support of the program shall be paid as a stipend to the teacher-in-residence: *Provided*, That the stipend paid to the teacher-in-residence shall be no less than sixty-five percent of all state aid funding due the county for the teacher-in-residence.

(F) Other provisions that may be required by the state board.

(f) In lieu of the student teaching experience in a public school setting required by this section, an institution of higher education may provide an alternate student teaching experience in a nonpublic school setting if the institution of higher education meets the following criteria:

(1) Complies with the provisions of this section;

(2) Has a state board approved educator preparation program; and

(3) Enters into an agreement pursuant to subdivisions (g) and (h) of this section.

(g) At the discretion of the higher education institution, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall require one of the following:

(1) The student teacher shall complete at least one half of the clinical experience in a public school; or

(2) The educator preparation program shall include a requirement that any student performing student teaching in a nonpublic school shall complete the following:

(A) At least two hundred clock hours of field-based training in a public school; and

(B) A course, which is a component of the institution's state board approved educator preparation program, that provides information to prospective teachers equivalent to the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the public schools in West Virginia. The course also shall include instruction on at least the following elements:

(i) State board policy and provisions of this code governing public education;

(ii) Requirements for federal and state accountability, including the mandatory reporting of child abuse;

(iii) Federal and state mandated curriculum and assessment requirements, including multicultural education, safe schools and student code of conduct;

(iv) Federal and state regulations for the instruction of exceptional students as defined by the Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and

(v) Varied approaches for effective instruction for students who are at-risk.

(h) In addition to the requirements set forth in subsection (g) of this section, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall include the following:

(1) A requirement that the higher education institution with an educator preparation program shall document that the student teacher's field-based and clinical experiences include participation and instruction with multicultural, at-risk and exceptional children at each programmatic level for which the student teacher seeks certification; and

(2) The minimum qualifications for the employment of school teachers selected as supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising.

(i) The state superintendent may issue certificates as provided in section two-a of this article to graduates of educator preparation programs and alternative educator preparation programs approved by the state board. The certificates are issued in accordance with this section and rules adopted by the state board. ~~after consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education~~

(1) A certificate to teach may be granted only to a person who meets the following criteria:

(A) Is a citizen of the United States, except as provided in subdivision (2) of this subsection;

(B) Is of good moral character;

(C) Is physically, mentally and emotionally qualified to perform the duties of a teacher; and

(D) Is at least eighteen years of age on or before October 1 of the year in which his or her certificate is issued.

(2) A permit to teach in the public schools of this state may be granted to a person who is an exchange teacher from a foreign country or an alien person who meets the requirements to teach.

(j) In consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education Institutions of higher education approved for educator preparation may cooperate with each other, ~~with the center for professional development and~~ with one or more county boards and with one or more regional education service agencies to organize and operate centers to provide selected phases of the educator preparation program. The phases include, but are not limited to the following:

(1) Student teaching and teacher-in-residence programs;

(2) Beginning teacher induction programs;

(3) Instruction in methodology; and

(4) Seminar programs for college students, teachers with provisional certification, professional support team members and supervising teachers.

By mutual agreement, the institutions of higher education, ~~the center for professional development and county boards~~ and regional education service agencies may budget and expend funds to operate the centers through payments to the appropriate fiscal office of the participating institutions, ~~the center for professional development and the county boards~~ and regional education service agencies.

(k) The provisions of this section do not require discontinuation of an existing student teacher training center or school which meets the standards of the state board.

(l) All institutions of higher education approved for educator preparation in the 1962-63 school year continue to hold that distinction so long as they meet the minimum standards for educator preparation. Nothing in this section infringes upon the rights granted to any institution by charter given according to law previous to the adoption of this code.

(m) *Definitions.* — For the purposes of this section, the following words have the meanings ascribed to them unless the context clearly indicates a different meaning:

(1) ‘Nonpublic school’ means a private school, parochial school, church school, school operated by a religious order or other nonpublic school that elects to meet the following conditions:

(A) Comply with the provisions of article twenty-eight, chapter eighteen of this code;

(B) Participate on a voluntary basis in a state operated or state sponsored program provided to this type school pursuant to this section; and

(C) Comply with the provisions of this section;

(2) ‘At-risk’ means a student who has the potential for academic failure, including, but not limited to, the risk of dropping out of school, involvement in delinquent activity or poverty as indicated by free or reduced lunch status; and

(3) ‘Exceptional child’ or ‘exceptional children’ has the meaning ascribed to these terms pursuant to section one, article twenty, chapter eighteen of this code, but, as used in this section, the terms do not include gifted students.

§18A-3-1d. Alternative program rules; necessary contents.

(a) *Alternative program rules.* —

(1) The State Board shall promulgate a legislative rule or rules in accordance with article three-b, chapter twenty-nine-a of this code containing procedures for the approval and operation of alternative teacher education programs as provided in this article. The State Board shall promulgate separate procedures for alternative programs for classroom teachers, alternative programs for highly qualified special education teachers, and additional alternative programs to prepare highly qualified special education teachers. These procedures shall be separate from the state board’s other procedures for approving standard teacher education programs.

(2) Before promulgating a rule or rules, the state Board shall consult with the Secretary of Education and the Arts and the Chancellor of the Higher Education Policy Commission

(3) Before adopting a rule or rules, the state board shall submit its proposed rule or rules to the Legislative Oversight Commission on Education Accountability for review.

(b) *Necessary contents.* – The state board’s rule or rules shall include, at a minimum, the following elements:

(1) An orderly set of deadlines, forms and guidance to govern:

(A) A partnership’s process for applying to become an approved education provider;

(B) The state board’s process for reviewing and acting on a partnership’s application;

(C) An approved education provider’s process for seeking persons to enroll in an alternative program; and

(D) A person’s process for enrolling in an approved education provider’s alternative program;

(2) Procedures for determining whether a partnership agreement complies with sections one-b and one-c of this article;

(3) Procedures for determining whether a partnership agreement complies with any additional requirements contained in the state board’s rule or rules;

(4) Standards for how often and for what lengths of time an alternative program teacher must observe in a mentor’s classroom;

(5) Guidelines for determining what tuition or other charges an approved education provider may impose relating to an alternative program;

(6) A list of the test or tests that a person must pass if he or she seeks a certification to teach American Sign Language; and

(7) A list of the test or tests that a person must pass if he or she seeks a certification to teach in selected vocational and technical areas.

§18A-3-2c. Minimum qualities, proficiencies and skills required of principals; state board rule.

~~(a) *Principal training and professional development required.* — After the effective date of this section and subject to the provisions of subsection (c) of this section, every principal shall complete training and professional development through the principals academy as provided in subsection (b) of this section.~~

~~(b) *Principal training and professional development through the academy.* — The academy and the persons required to complete training and professional development through the academy shall adhere to the following guidelines:~~

~~(1) All persons assigned as a principal for the first time in a West Virginia school after July 1, 2002, shall complete specialized training and professional development for newly appointed principals through the academy within the first twelve months following assignment;~~

~~(2) All principals of schools which have been designated as seriously impaired, in accordance with section five, article two-e, chapter eighteen of this code, shall complete specialized training and professional development through the academy specifically designed to assist the principal to improve school performance commencing as soon as practicable following receipt of the designation;~~

~~(3) All principals who are subject to an improvement plan, in accordance with section twelve, article two of this chapter, shall complete specialized training and professional development through the academy specifically designed for principals subject to an improvement plan. The specialized training and professional development shall be completed within twelve months from the date that the principal is first subject to the improvement plan;~~

~~(4) All principals who transfer to a school with a significantly different grade configuration shall complete specialized training and professional development for principals in schools with the grade configuration to which they transferred through the academy within the first twelve months following transfer; and~~

~~(5) All persons serving as school principals shall complete training and professional development through the academy designed to build the qualities, proficiencies and skills required of all principals as determined by the state board.~~

~~(c) Academy and requirements to complete training and professional development subject to funding.— The requirement that principals complete training and professional development through the academy shall be subject to the availability of funds for the principals academy from legislative appropriation and from other sources. If these funds are insufficient to provide for the total cost of the training and professional development required by subsection (b) of this section, then the academy shall provide training and professional development for the persons described in subdivisions (1) through (5), inclusive, subsection (b) of this section according to the priority in which the subdivisions appear in said subsection. If such funds are insufficient to provide for the training and professional development of all the persons described in one or more of subdivisions (1) through (5), inclusive, subsection (b) of this section, the academy is authorized to determine which persons described within the subdivision or subdivisions shall be admitted and which shall not be admitted: *Provided*, That the principals academy shall make every effort to ensure that all principals receive training and professional development through the academy at least once every six years effective July 1, 2002, and thereafter: *Provided, however*, That nothing in this section shall be construed to require any specific level of funding by the Legislature.~~

~~(d) Establishment of standards.— On or before ~~October 1, 1996~~ October 1, 2017, the state board shall approve and promulgate rules in accordance with article three-b, chapter twenty-nine-a of this code regarding the minimum qualities, proficiencies and skills that will be required of principals after ~~January 1, 1997~~ July 1, 2018. The state board shall promulgate and may, from time to time, amend such rules. The rules promulgated by the state board shall address at least the following:~~

~~(1) Instructional leadership and management techniques, including, but not limited to, the standards for high quality schools, the school accreditation process and strategic planning for continuous improvement;~~

~~(4) (2) Staff relations, including, but not limited to, the development and use of skills necessary to make a positive use of faculty senates, manage faculty and staff with courtesy and mutual respect, coach and motivate employees, and build consensus as a means of management;~~

~~(2) (3) School community leadership qualities, including, but not limited to, the ability to organize and leverage community initiative, communicate effectively, work effectively with local school improvement councils, manage change, resolve conflict and reflect the highest personal values;~~

~~(3) (4) Educational proficiencies, including, but not limited to, knowledge of curriculum, instructional techniques, student learning styles, student assessment criteria, school personnel performance, evaluation skills and family issues; and~~

(4) Administrative skills, including, but not limited to, organizational, fiscal, public policy and total quality management skills and techniques.

~~(e) *Waivers.* — Any person desiring to be relieved of the requirements of all or any part of this section may apply in writing to the state board for a waiver. Upon a showing of reasonable cause why relief should be granted, the state board may grant a waiver, upon such terms and conditions as the state board shall determine proper, as to all or any part of this section.~~

~~(f) *Failure to comply.* — Any person who fails or refuses to complete training and professional development through the academy, as required by the provisions of this section, and who fails to obtain a waiver, as described in subsection(e) of this section, shall be ineligible to be employed as, or serve in the capacity of, a principal.~~

~~(g) *Tracking of requirement.* — On or before January 1, 1997, the state board shall establish a system to track the progress of each person required to complete training through the academy and shall regularly advise such persons of their progress.~~

~~(h) *Payment of reasonable and necessary expenses and stipends.* — The center for professional development shall reimburse persons attending the academy for reasonable and necessary expenses. A person may not be required to complete training and professional development through the principals academy before September 15, and after June 1, of the school year. The center for professional development shall utilize alternative methods of instructional delivery and scheduling, including electronic delivery, as considered appropriate to minimize the amount of time principals completing training and professional development through the academy are required to be away from their school duties. Nothing in this section shall be construed to require any specific level of funding by the Legislature.~~

§18A-3-8. County professional staff development councils.

The Legislature finds the professional expertise and insight of the classroom teacher to be an invaluable ingredient in the development and delivery of staff development programs which meet the needs of classroom teachers.

Therefore, a professional staff development council comprised of proportional representation from the major school levels and from vocational, special education and other specialties in proportion to their employment numbers in the county shall be established in each school district in the state in accordance with rules adopted by the State Board of Education. Nominations of instructional personnel to serve on the county staff development council may be submitted by the faculty senates of the district to the county superintendent who shall prepare and distribute ballots and tabulate the votes of the counties instructional personnel voting on the persons nominated. Each county staff development council shall consist of between nine and fifteen members at the discretion of the county superintendent based on the size of the county. The councils have final authority to propose staff development programs for their peers based upon rules established by statute and the council on professional education an analysis of the individual and collective needs of the schools of the county as indicated by their strategic plans.

The county superintendent or a designee has an advisory, nonvoting role on the council. The county board shall make available an amount equal to one tenth of one percent of the amounts provided in accordance with section four, article nine-a, chapter eighteen of this code and credit the funds to an account to be used by the council to fulfill its objectives. The local board has final approval of all proposed disbursements.

Any funds credited to the council during a fiscal year, but not used by the council, shall be carried over in the council account for use in the next fiscal year. These funds are separate and apart from, and in addition to, those funds to be credited to the council pursuant to this section. At the end of each fiscal year, the council shall report to each faculty senate chairperson the amount of funds carried over into the next fiscal year.

~~The professional staff development project of the center for professional development shall assist in the development and delivery of staff development programs by the county staff development councils and shall coordinate staff development efforts statewide.~~

ARTICLE 3C. IMPROVING TEACHING AND LEARNING.

§18A-3C-1. Findings; purposes and definition.

(a) The Legislature makes the following findings:

(1) Processes set forth in this article for the performance evaluation of professional personnel ~~teacher~~ and the induction and professional growth ~~is of teachers and leaders~~ are not intended to make up for substandard initial preparation, ~~of teachers~~, but instead ~~is~~ are intended to build on a solid foundation created by the teacher and principal preparation programs. Therefore, the Legislature expects the teacher preparation programs to graduate teachers and leaders who can perform at a level that increases student achievement. The Legislature expects that the processes set forth in this article will allow a teacher and principal to excel beyond that level in the classroom and school leadership positions;

(2) The comprehensive system of support provided ~~for~~ in this article should be implemented in a way that, ~~as compared with the beginning teacher internship system~~, much more effectively provides for the professional growth of teachers and principals;

(3) In order for the comprehensive system of support to much more effectively provide for the professional growth for of teachers and principals, ~~funding should be greatly increased over and above what has been provided for the beginning teacher internship system~~ professional development resources must be focused in the most cost effective manner on the unique needs of individual schools, including their professional personnel evaluation data, to increase the school's capacity to improve student performance and progress; and

(4) Although the quality of the teacher in the classroom is extremely important to the academic achievement of students, students cannot learn if they are not in the classroom. Therefore, attending school on a regular basis is of utmost importance to the academic success of students.

(b) The purpose of this article is to create a comprehensive infrastructure that routinely supports a continuous process for improving teaching and learning. Its focus is on developing strong teaching and school leadership, without which effective learning does not occur. The general components of this infrastructure include the following:

(1) High-quality teacher and principal preparation, induction and evaluation;

(2) Universal support for emerging teachers and principals including comprehensive ~~new teacher~~ induction and support for (A) Beginning teachers, student teachers, teachers teaching in assignments for which they have less than a full professional credential and teacher candidates pursuing certification through an alternative route; and (B) Beginning principals, assistant principals and vocational administrators, and principals beginning a new assignment at a school with a significantly different grade level configuration;

(3) Evaluation of the performance of teachers and leaders in demonstrating high quality professional practice, leadership and collaboration and the resulting growth in student learning;

(4) Focused improvement in teaching and learning through the use of evaluation data to inform the delivery of professional development and additional supports to improve teaching based on the evaluation results and to inform the need for improvements in teacher preparation programs; and

(5) The creation of a leadership culture that seeks and builds powerful alliances among all stakeholders focused on continuous growth in student learning.

(c) For purposes of this article 'professional personnel' includes classroom teachers, assistant principals and principals as defined in section one, article one chapter eighteen-a of this code.

§18A-3C-2. Performance evaluations of professional personnel.

~~(a) The intent of the Legislature is to allow for a multistep statewide implementation of performance evaluations for professional personnel pursuant to this section consistent with sound educational practices and resources available resulting in full state-wide implementation by no later than the school year 2013-2014. Beginning with the schools included in the evaluation processes for professional personnel piloted by the Department of Education during the 2011-2012 school year, additional schools or school systems shall be subject to the provisions of this article in accordance with a plan established by the state board to achieve full statewide implementation by no later than the school year 2013-2014. For schools and school systems subject to the provisions of this article, the provisions of this article shall govern when they are in conflict with other provisions of this chapter and chapter eighteen of this code. Specifically~~

~~(a) The provisions of this article section govern for the performance evaluation of classroom teachers, principals and assistant principals employed in these public schools and school systems. To the extent that this article section conflicts with the provisions of section twelve, article two of this chapter relating to professional personnel performance evaluations, this article section shall govern. The state board shall submit a report on its plan for the phased implementation of this article to the Legislative Oversight Commission on Education Accountability at the Commission's July interim meeting in each year of the phased implementation. The report shall include an update on the implementation of this article including, but not limited to the evaluation process and a list of the schools and school systems subject to the provisions of this article. To assist the Legislative Oversight Commission on Education Accountability in monitoring the implementation of this article, the state board shall report to the Commission upon its request throughout the implementation process, including but not limited to, reports on the results of surveys of teachers and principals on the implementation and use of the new evaluation system, the adequacy of the professional development given to employees on the purposes, instruments and procedures of the evaluation process, the time consumed by the evaluation process and the various tasks required for employees of different levels of experience, the aggregate results of the evaluations and any recommendations for changes in the process or other aspects of the duties of affected employees to improve the focus on the core mission of schools of teaching and learning~~

~~(b) Before July 1, 2013 July 1, 2017, the state board shall adopt a legislative rule in accordance with article three-b, chapter twenty-nine-a of this code, for annually evaluating the performance of each professional person. each year. The state board shall submit a draft of the proposed rule to the Legislative Oversight Commission on Education Accountability by February 15, 2013, and a final draft proposed rule prior to adoption. The rule shall provide for performance evaluations of professional personnel to be conducted in accordance with this section in each school and school system. beginning with the 2013-14 school year~~

(c) (1) The process adopted by the state board for evaluating the performance of classroom teachers shall incorporate at least the following:

(A) Alignment with the West Virginia Professional Teaching Standards adopted by the state board that establish the foundation for educator preparation, teacher assessment and professional development throughout the state;

(B) Employment of the professional teaching standards to provide explicit and extensive measures of the work of teaching and what teachers must know and be able to do and provide evaluative measures of educator performance; and

(C) The use of two pieces of evidence at two points in time over the instructional term to demonstrate student learning as an indicator of educator performance. ~~and~~

~~(D) The use of school's school-wide student learning growth as measured by the state-wide summative assessment as an evaluative measure of all educators employed in the school~~

(2) Eighty percent of the evaluation shall be based on an appraisal of the educator's ability to perform the critical standard elements of the professional teaching standards. The appraisal shall include conferences with the evaluator reinforced through observation. ~~Fifteen~~ Twenty percent of the evaluation shall be based on evidence of the learning of the students assigned to the educator in accordance with paragraph (C), subdivision (1) of this subsection. ~~and five percent of the evaluation shall be based on student learning growth measured by the school-wide score on the state summative assessment in accordance with paragraph (D), subdivision (1) of this subsection~~

(d) (1) The process adopted by the state board for evaluating the performance of principals and assistant principals shall include at least the following:

(A) Alignment with the West Virginia Professional Leadership Standards adopted by the state board establishing the responsibility of principals for the collective success of their school including the learning, growth and achievement of students, staff and self;

(B) Employment of the professional leadership standards to provide explicit and extensive measures of the work of school leadership focused on the continuous improvement of teaching and learning. The process shall include conferences and goal setting with the superintendent or his or her designee and the use of a survey of stakeholders to assist in identifying the needs and establishing the goals for the school and the principal. The survey shall be distributed to at least the following stakeholders: Students, parents, teachers and service personnel. The evaluative measures shall include the use of data, evidence and artifacts to confirm the principal's performance on achieving the goals established by the principal and superintendent; and

(C) The use of two pieces of evidence at two points in time over the instructional term to demonstrate the growth in student learning at the school. ~~and~~

~~(D) The use of the school's school-wide student learning growth as measured by the state-wide summative assessment as an evaluative measure of all educators employed in the school~~

(2) Eighty percent of the evaluation shall be based on an appraisal of the principal's or the assistant principal's ability to perform the critical standard elements of the professional leadership standards and achieve the goals established for the principal and the school. ~~Fifteen~~ Twenty percent of the evaluation shall be based on evidence of the learning of the students assigned to the school in accordance with paragraph (C), subdivision (1) of this subsection, ~~and five percent of the evaluation~~

~~shall be based on student learning growth measured by the school-wide score on the state summative assessment in accordance with paragraph (D), subdivision (1) of this subsection.~~

(e) Evaluations of the performance of professional personnel shall serve the following purposes:

(1) Serve as a basis for the improvement of the performance of the professional personnel in their assigned duties;

(2) Serve as the basis for providing professional development specifically targeted on the area or areas identified through the evaluation process as needing improvement. If possible, this targeted professional development should be delivered at the school-site using collaborative processes, mentoring or coaching or other approaches that maximize use of the instructional setting;

(3) Serve as the basis for establishing priorities for the provision of county-level professional development when aggregate evaluation data from the county's schools indicates an area or areas of needed improvement;

(4) Serve as a basis for informing the teacher preparation programs in this state of an area or areas of needed improvement in the programs, or informing a specific program of needed improvement, when state-level aggregate evaluation data indicates that beginning teachers who have graduated from the program have specific weaknesses;

(5) Provide an indicator of level of performance of the professional personnel;

(6) Serve as a basis for programs to increase the professional growth and development of professional personnel; and

(7) Serve as documentation for a dismissal on the grounds of unsatisfactory performance.

(f) The rule adopted by the state board shall include standards for performance of professional personnel and the criteria to be used to determine whether their performance meets the standards. The rule also shall include guidance on best practices for providing time within the school day for teachers subject to performance evaluations under this section to participate in the collaborative mentoring or coaching and planning processes necessary for execution of the performance evaluation process and achieving advanced levels of performance.

(g) The rule adopted by the state board shall include provisions for written improvement plans when necessary to improve the performance of the professional personnel. The written improvement plan shall be specific as to what improvements are needed in the performance of the professional personnel and shall clearly set forth recommendations for improvements including recommendations for additional education and training of professionals subject to recertification. Professional personnel whose performance evaluation includes a written improvement plan shall be given an opportunity to improve his or her performance through the implementation of the plan.

(h) A professional person whose performance is considered to be unsatisfactory shall be given written notice of his or her deficiencies. A written improvement plan to correct these deficiencies shall be developed by the employing county board and the employee. The professional person shall be given a reasonable period of time, not exceeding twelve months, to accomplish the requirements of the improvement plan and shall receive a written statement of the resources and assistance available for the purposes of correcting the deficiencies. If the next performance evaluation shows that the professional is now performing satisfactorily, no further action may be taken concerning the original performance evaluation. If the evaluation shows that the professional is still not performing satisfactorily, the evaluator either shall make additional written recommendations for improvement or

may recommend the dismissal of the professional personnel in accordance with the provisions of section eight, article two of this chapter.

(i) No person may evaluate professional personnel for the purposes of this section unless the person has an administrative certificate issued by the state superintendent and has successfully completed education and training in evaluation skills ~~through the center for professional development, or equivalent education training~~ approved by the state board, which will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating.

(j) Prior to implementation of the evaluation process pursuant to this section at a school, each affected employee shall be given training to ensure that the employees have a full understanding of the purposes, instruments and procedures used in evaluating their performance. Thereafter, this training shall be held annually at the beginning of the employment term.

§18A-3C-3. Comprehensive system for teacher and leader induction and professional growth.

(a) The intent of the Legislature is to allow for a multistep statewide implementation of a comprehensive system of support for building professional practice ~~of beginning teachers, specifically those on the initial and intermediate progressions,~~ consistent with sound educational practices and resources available. In this regard, it is the intent of the Legislature that the ~~transition of schools and school systems to a comprehensive system of support that includes~~ shall incorporate support for improved professional performance that is targeted on deficiencies identified through the educator personnel evaluation process and incorporated into the strategic plans for continuous improvement of schools and school systems. ~~will be implemented concurrent with the first year that a school or system receives final evaluation results from the performance evaluation process pursuant to section two of this article~~ Further, because of significant variability among the counties, not only in the size of their teaching force, distribution of facilities and available resources, but also because of their varying needs, the Legislature intends for the implementation of this section to be accomplished in a manner that provides adequate flexibility to the counties to design and implement a comprehensive system of support for improving professional performance that best achieves the goals of this section within the county. Finally, because of the critical importance of ensuring that all teachers perform at the accomplished level or higher in the delivery of instruction that at least meets the West Virginia Professional Teaching Standards and because achieving this objective at a minimum entails providing assistance to address the needs as indicated by the data informed results of annual performance evaluations, including the self-assessed needs of the teachers themselves, the Legislature expects the highest priority for county, regional and state professional development will be on meeting these needs and that the transition to a comprehensive system of support for improving professional practice will reflect substantial redirection of existing professional development resources toward this highest priority.

(b) On or before ~~July 1, 2012~~ July 1, 2017, the state board shall publish guidelines on the design and implementation of a comprehensive system of support for improving professional practice. The purpose of the guidelines is to assist the county board with the design and implementation of a system that best achieves the goals of this section within the county. The guidelines may include examples of best practices and resources available to county boards to assist them with the design and implementation of a comprehensive system.

(c) ~~For schools and school systems subject to the provisions of this article, the provisions of this article govern when they are in conflict with section two-b, article three of this chapter relating to beginning teacher internships, or in conflict with other provisions of this chapter and chapter eighteen of this code~~

~~(e)~~ (c) Effective for the school year beginning ~~July 1, 2013~~ July 1, 2017, and thereafter, a county board is not eligible to receive state funding appropriated for the purposes of this section or any other provision of law related to beginning teacher and principal internships and mentor teachers and principals unless it has adopted a plan for implementation of a comprehensive system of support for improving professional practice, the plan has been verified by the state board as meeting the requirements of this section and the county is implementing the plan. The plan shall address the following:

(1) The manner in which the county will provide the strong school-based support and supervision that will assist beginning teachers in developing instructional and management strategies, procedural and policy expertise, and other professional practices they need to be successful in the classroom and perform at the accomplished level. Nothing in this subdivision prohibits a school or school system that was granted an exception or waiver from section two-c, article three of this chapter prior to the effective date of this section from continuing implementation of the program in accordance with the exception or waiver;

(2) The manner in which the county will provide the strong support and supervision that will assist beginning principals in developing instructional leadership, supervisory and management strategies, procedural and policy expertise, and other professional practices they need to be successful in leading continuous school improvement and performing at the accomplished level or above;

~~(2)~~ (3) The manner in which the county in cooperation with the teacher preparation programs in this state will provide strong school-based support and assistance necessary to make student teaching a productive learning experience;

~~(3)~~ (4) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for providing professional development specifically targeted on the area or areas identified through the evaluation process as needing improvement. If possible, this targeted professional development should be delivered at the school-site using collaborative processes, mentoring or coaching or other approaches that maximize use of the instructional setting;

~~(4)~~ (5) The manner in which the county will use the data from the educator performance evaluation system to serve as the basis for establishing priorities for the provision of county-level professional development when aggregate evaluation data from the county's schools indicates an area or areas of needed improvement;

~~(5)~~ (6) If a county uses master teachers, mentors, academic coaches or any other approaches using individual employees to provide support, supervision or other professional development or training to other employees for the purpose of improving their professional practice, the manner in which the county will select each of these individual employees based upon demonstrated superior performance and competence as well as the manner in which the county will coordinate support for these employees. ~~Provided, That the employment of persons for these positions shall adhere to the posting and other provisions of section seven-a, article four of this chapter utilizing subsection (c) of said section seven-a to judge the qualifications of the applicants~~ If the duties of the position are to provide mentoring to an individual teacher at only one school, then priority shall ~~being~~ be given to applicants employed at the school at which those duties will be performed;

~~(6)~~ (7) The manner in which the county will use local resources available, including, but not limited to, funds for professional development and academic coaches, to focus on the priority professional development goals of this section;

~~(7)~~ (8) The manner in which the county will adjust its scheduling, use of substitutes, collaborative planning time, calendar or other measures as may be necessary to provide sufficient time for professional personnel to accomplish the goals of this section as set forth in the county's plan; and

~~(8)~~ (9) The manner in which the county will monitor and evaluate the effectiveness of implementation and outcomes of the county system of support for improving professional practice.

~~(e)~~ (d) Effective the school year beginning ~~July 1, 2013~~ July 1, 2017, and thereafter, appropriations for beginning teacher and principal mentors and internships and any new appropriation which may be made for the purposes of this section shall be expended by county boards only to accomplish the activities as set forth in their county plan pursuant to this section. Effective the school year beginning July 1, ~~2013~~ 2017, and thereafter, no specific level of compensation is guaranteed for any employee service or employment as a mentor and such service or employment is not subject to the provisions of this code governing extra duty contracts. ~~except as provided in subdivision (5), subsection (c) of this section~~

~~(f)~~ (e) The Legislative Oversight Commission on Education Accountability shall review the progress of the implementation of this article and may make any recommendations it considers necessary to the Legislature during the ~~2013~~ 2018 regular legislative session.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 16. HEALTH CARE EDUCATION.

§18B-16-5. Powers and duties of the vice chancellor.

In addition to all other duties assigned to the vice chancellor by the ~~board of trustees~~ Higher Education Policy Commission, the vice chancellor shall:

(a) Provide assistance to communities in planning an educational and clinical component for the primary health care education sites;

(b) Coordinate and approve the provision of faculty members, students, interns and residents at the education sites;

(c) Report directly to the ~~board of trustees~~ Higher Education Policy Commission regarding the rural health initiative;

(d) Oversee the administration of the Kellogg foundation grant;

(e) Coordinate the rural health initiative with the allied health care education programs within the state college system and community college systems;

(f) Prepare the budget for the rural health initiative and submit the budget to the ~~board of trustees~~ Higher Education Policy Commission for their approval;

(g) Distribute the funds which were appropriated to the ~~board of trustees and the secretary of the Department of Education and the arts, by the Legislature~~ and the Higher Education Policy Commission for the rural health initiative;

(h) Mediate any disputes between the institutions of higher education regarding the rural health initiative;

~~(i) Approve the plan submitted by the board of directors under section three, article three of this chapter;~~

~~(j) (i) Consult with the joint commission for vocational-technical-occupational education established under section one, article three-a Council for Community and Technical College Education established under section three, article two-b of this chapter on the coordination of the education of student practical nurses with the rural health initiative; and~~

~~(k) (j) Perform such other duties as may be prescribed by this article or as may be necessary to effectuate the provisions of this article.~~

§18B-16-8. Allocation of appropriations.

(a) The primary health care education sites established under this article shall be supported financially in part from line item appropriations to the university of West Virginia health sciences account. Funds shall be distributed to the state's schools of medicine upon consideration of the recommendations of the vice chancellor. Appropriations to the university of West Virginia health sciences account to support the rural health initiative shall be by line item, with at least one line item designated for primary health education program support at the schools of medicine and at least one line item designated for rural health initiative site support.

(b) The vice chancellor shall require each school of medicine to submit a detailed proposal which shall state, with specificity, how each school of medicine will be working to further the goals and meet the criteria set forth in this article and the amount of appropriation which would be needed by each school to implement the proposal.

The vice chancellor shall, giving consideration to ~~such~~ the proposals, prepare a comprehensive plan to be presented to the board of trustees, which plan shall include a recommendation for allocations of moneys appropriated for program support and a recommendation for the allocation of moneys designated for support of the primary health care education sites commensurate with each school's level of participation in such sites.

(c) Notwithstanding the provisions of section twelve, article three, chapter twelve of this code, any funds appropriated to the ~~board of trustees~~ Higher Education Policy Commission in accordance with the provisions of this section that remain unallocated or unexpended at the end of any fiscal year shall may not expire, shall remain in the line item to which they were originally appropriated and shall be available in the next fiscal year to the board of trustees or a school of medicine for allocation or expenditure for the purposes of this article.

~~(d) The rural health initiative shall also be supported, in part, from appropriations made to the secretary of the Department of Education and the arts, under a separate line item for the board of directors of the state college system for the rural health initiative, for distribution to participating health education programs under the board of directors. Appropriations shall not be expended or allocated until the required plan has been approved by the vice chancellor in accordance with section three, article three of this chapter.~~

~~Notwithstanding the provisions of section twelve, article three, chapter twelve of this code, any funds appropriated to the board of directors in accordance with the provisions of this section that remain unallocated or unexpended at the end of any fiscal year shall not expire, shall remain in the line item to which they were originally appropriated and shall be available in the next fiscal year to the board of directors for allocation or expenditure for the purposes of this article~~

(e) (d) Additional financial support shall come from fees generated by services, from grants and contracts, and from community resources. Any fees so generated shall be paid to and expended by the facility established as a primary health care education site unless an alternative fee arrangement is mutually agreed upon by the chief administrator of the site and the vice chancellor for health sciences.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 149**), and there were—yeas 39, nays 60, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Baldwin, Barrett, Bates, Boggs, Brewer, Byrd, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Fleischauer, Fluharty, Hamilton, Hartman, Hicks, Hornbuckle, Iaquina, Isner, Longstreth, Love, Lovejoy, Lynch, Marcum, Miley, R. Miller, Moye, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaugle, Thompson, Ward and Williams.

Absent and Not Voting: White.

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

On motion of Delegates Nelson and Espinosa, the bill was amended on page thirty-five, section four, line eighteen, following the subdivision designation “(4)”, by striking out the word “Five” and inserting in lieu thereof the word “Six”.

And,

On page thirty-five, section four, line twenty, following the paragraph designation “(A)”, by striking out the word “Two” and inserting in lieu thereof the word “Three”.

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2679, Relating to the possession of firearms in parks and park facilities; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page one, by striking out the enacting section and inserting in lieu thereof, the following:

“That §20-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows” and a colon.

And,

On page one, by striking out §7-11-5 in its entirety.

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

The yeas and nays having been ordered, they were taken (**Roll No. 150**), and there were—yeas 7, nays 92, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Caputo, Fleischauer, Hornbuckle, Lane, Pushkin, Pyles and Rowe.

Absent and Not Voting: White.

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

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2702, Relating to excused absences for personal illness from school; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Cowles, the bill was amended on page two, section four, line twelve, by striking out subparagraph (ii) in its entirety and inserting in lieu thereof a new subparagraph (ii) to read as follows:

“(ii) Personal illness or injury of the student’s parent, guardian, custodian, or family member: *Provided*, That the excuse must provide a reasonable explanation for why the student’s absence was necessary and caused by the illness or injury in the family: *Provided, however*, That the principal may request additional documentation including, but not limited to, a statement from a medical, osteopathic or chiropractic physician, physician’s assistant, or nurse practitioner confirming the existence of the family member’s illness or injury” and a semicolon.

On page two, section four, line thirty-two, by striking out subdivision (4) in its entirety and inserting in lieu thereof a new subdivision (4) to read as follows:

“(4) All documentation relating to absences shall be provided to the school not later than three instructional days after the first day the student returns to school.”

And,

On page three, section four, line forty-seven, by striking the word “shall” and inserting in lieu thereof the word “may”.

On motion of Delegate Summers, the bill was amended on page two, section four, line thirty-four, by striking out subsection (b) in its entirety and re-lettering the remaining subsections accordingly.

The bill was ordered to engrossment and third reading.

Com. Sub. for H. B. 2709, Authorizing the City of South Charleston to levy a special district excise tax; 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. 2734, Authorizing a method for the collection and remittance of property taxes related to dealers’ heavy equipment inventory; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 2774, Defining special aircraft property; 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. 2805, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state; 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. 3093, Establishing Broadband Enhancement and Expansion Policies; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

At 1:24 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 5:00 p.m.

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Evening Session

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The House of Delegates was called to order by The Honorable Tim Armstead, Speaker.

Reordering of the Calendar

Delegate Cowles announced that the Committee on Rules had transferred Com. Sub. for S. B. 347, Com. Sub. for H. B. 2763, Com. Sub. for H. B. 2794, Com. Sub. for H. B. 2799, Com. Sub. for H. B. 2804, Com. Sub. for H. B. 2850, H. B. 2878, Com. Sub. for H. B. 2897, Com. Sub. for H. B. 2941 and Com. Sub. for H. B. 3096 on First Reading, Special Calendar, to the House Calendar.

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. 2219, Agriculture, Department of, Livestock Care Standards,

Com. Sub. for H. B. 2346, Relating to motor vehicle license plates,

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

Com. Sub. for H. B. 2721, Removing the cost limitation on projects completed by the Division of Highways,

Com. Sub. for H. B. 2722, Eliminating the financial limitations on utilizing the design-build program for highway construction,

Com. Sub. for H. B. 2724, Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs,

H. B. 2745, Adding the examination of Advanced Care Technician,

H. B. 2788, Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter,

Com. Sub. for H. B. 2838, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician,

Com. Sub. for H. B. 2841, Requiring board members to have attended a board meeting in order to be compensated for the meeting,

Com. Sub. for H. B. 2846, Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee,

Com. Sub. for H. B. 2935, Relating to state flood protection planning,

Com. Sub. for H. B. 2948, Establishing timelines for taking final action on certain permits,

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

Com. Sub. for H. B. 2980, Relating to civil lawsuit filing fees for multiple defendant civil action,

H. B. 3018, Adding definition of correctional employee to the list of persons against whom an assault is a felony,

Com. Sub. for H. B. 3020, Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person,

H. B. 3053, Relating to motor vehicle lighting,

Com. Sub. for H. B. 3064, Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes,

H. B. 3101, Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters,

H. B. 3105, Relating to the Licensed Racetrack Modernization Fund,

And,

H. B. 3106, Relating to increasing the number of limited video lottery terminals.

At the request of Delegate Cowles 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. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 90, Study on the feasibility of light fidelity ("Li-Fi"),

H. C. R. 91, Alleen Ledson Memorial Bridge,

And,

H. C. R. 92, U.S. Army SGT Eugene Dawson Memorial Highway,

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

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

Your Committee on Rules has had under consideration:

H. R. 10, Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against Steven O. Callaghan, Circuit Judge-Elect of the Twenty-Eighth Judicial Circuit,

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

The resolution (H. R. 10) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2966, Creating the West Virginia Sentencing Commission,

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

Com. Sub. for H. B. 2966 – “A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor’s committee on crime, delinquency and correction; authorizing commission to seek and utilize funding and grants; setting forth legislative findings; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing commission to make additional recommendations to the Legislature,”

With the recommendation that the committee substitute do pass.

Delegate Hanshaw, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 2028, Relating to the venue for suits and other actions against the state.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Smith, Rucker and Woelfel.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

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

Delegates Hanshaw, Moore and Isner.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Weld, Maynard and Jeffries.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

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

Delegates Zatezalo, Hollen and Canestraro.

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

Leaves of Absence

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

Miscellaneous Business

Delegate Hamilton announced that he was absent today when the vote was taken on Roll No. 144, and that had he been present, he would have voted "Yea" thereon.

Delegate Summers filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2453.

Delegate Rohrbach filed a form with the Clerk's Office per House Rule 94b to be added as a cosponsor of H. B. 2755.

At 5:24 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, March 24, 2017.

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

SPECIAL CALENDAR

Friday, March 24, 2017

45th Day

11:00 A. M.

UNFINISHED BUSINESS

- H. C. R. 90 - Study on the feasibility of light fidelity ("Li-Fi"),
- H. C. R. 91 - Alleen Ledson Memorial Bridge
- H. C. R. 92 - U.S. Army SGT Eugene Dawson Memorial Highway

THIRD READING

- Com. Sub. for S. B. 306 - Supplemental appropriation of federal funds from Treasury to Workforce West Virginia (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2180 - Authorizing the issuance of special "In God We Trust" motor vehicle registration plates (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2208 - Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2366 - Relating to selling Jackie Withrow Hospital (NELSON) (REGULAR)
- Com. Sub. for H. B. 2475 - Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents (NELSON) (REGULAR)
- Com. Sub. for H. B. 2494 - Providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2524 - Improving the focus on school-level continuous improvement processes (NELSON) (JULY 1, 2017)
- Com. Sub. for H. B. 2679 - Relating to the possession of firearms in parks and park facilities (FAST) (REGULAR)

- Com. Sub. for H. B. 2702 - Relating to excused absences for personal illness from school (ESPINOSA) (REGULAR)
- Com. Sub. for H. B. 2709 - Authorizing the City of South Charleston to levy a special district excise tax (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2734 - Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory (NELSON) (REGULAR)
- H. B. 2774 - Defining special aircraft property (NELSON) (REGULAR)
- Com. Sub. for H. B. 2805 - Finding and declaring certain claims against the state and its agencies to be moral obligations of the state (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3093 - Establishing Broadband Enhancement and Expansion Policies (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2219 - Authorizing miscellaneous boards and agencies to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2346 - Relating to motor vehicle license plates (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2515 - West Virginia Monument and Memorial Protection Act of 2017 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2721 - Removing the cost limitation on projects completed by the Division of Highways (NELSON) (REGULAR)
- Com. Sub. for H. B. 2722 - Eliminating the financial limitations on utilizing the design-build program for highway construction (NELSON) (REGULAR)
- Com. Sub. for H. B. 2724 - Relating to creating a pilot program under the Herbert Henderson Office of Minority Affairs (ELLINGTON) (REGULAR)
- H. B. 2745 - Adding the examination of Advanced Care Technician (ELLINGTON) (REGULAR)

- H. B. 2788 - Allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2838 - Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2841 - Requiring board members to have attended a board meeting in order to be compensated for the meeting (NELSON) (REGULAR)
- Com. Sub. for H. B. 2846 - Including high school students participating in a competency based pharmacy technician education and training program as persons qualifying to be a pharmacy technician trainee (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2935 - Relating to state flood protection planning (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2948 - Establishing timelines for taking final action on certain permits (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2949 - Exempting specified Division of Natural Resources' contracts for some replacement, repair or design for repairs to facilities from review and approval requirements (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2980 - Relating to civil lawsuit filing fees for multiple defendant civil action (NELSON) (REGULAR)
- H. B. 3018 - Adding definition of correctional employee to the list of persons against whom an assault is a felony (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3020 - Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person (SHOTT) (REGULAR)
- H. B. 3053 - Relating to motor vehicle lighting (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3064 - Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes (SHOTT) (REGULAR)
- H. B. 3101 - Creating a misdemeanor for violation of catching, taking or killing fish within two hundred feet of agency personnel stocking fish into public waters (SHOTT) (REGULAR)

H. B. 3105 - Relating to the Licensed Racetrack Modernization Fund (NELSON)
(EFFECTIVE FROM PASSAGE)

H. B. 3106 - Relating to increasing the number of limited video lottery terminals
(NELSON) (REGULAR)

FIRST READING

Com. Sub. for S. B. 113 - Authorizing DEP promulgate legislative rules (SHOT) (EFFECTIVE
FROM PASSAGE)

H. B. 2548 - Relating to the use of outside speakers by persons licensed to
manufacture, sale, possess for sale, transport or distribute
nonintoxicating beer (SHOTT) (REGULAR)

H. B. 2869 - Providing for paid leave for certain state officers and employees
during a declared state of emergency (SHOTT) (REGULAR)

Com. Sub. for H. B. 2936 - Requiring competitive bidding for all state purchases of
commodities, printing and services (NELSON) (REGULAR)

Com. Sub. for H. B. 2939 - Relating to the sale of items in the State Police Academy post
exchange to the public (HOWELL) (REGULAR)

Com. Sub. for H. B. 2966 - Creating the West Virginia Sentencing Commission (SHOTT)
(REGULAR)

Com. Sub. for H. B. 3028 - Relating to the Comprehensive Substance Use Reduction Act
(ELLINGTON) (REGULAR)

H. B. 3107 - Relating generally to horse and dog racing lottery (NELSON)
(EFFECTIVE FROM PASSAGE)

H. B. 3108 - Relating to authorizing redirection of certain amounts to the
General Revenue Fund (NELSON) (REGULAR)

HOUSE CALENDAR

Friday, March 24, 2017

45th Day

11:00 A. M.

SECOND READING

- Com. Sub. for H. B. 2538 - Relating to the licensure of physician assistants (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2871 - Eliminating the mandated employer versus employee cost share of eighty percent employer, twenty percent employee for Public Employee Insurance Agency (NELSON) REGULAR)

FIRST READING

- Com. Sub. for S. B. 347 - Relating to modernization of Physician Assistant Practice Act (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)
- Com. Sub. for H. B. 2004 - Creating and maintaining a centralized state vehicle inventory system (NELSON) (JULY 1, 2017)
- H. B. 2500 - Supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2501 - Supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2763 - Relating to the approval by the Council for Community and Technical College Education of acquisitions (NELSON) (REGULAR)
- Com. Sub. for H. B. 2794 - Relating to the means of giving notice to a debt collector of a consumer's representation by legal counsel (SHOTT) (REGULAR)

- Com. Sub. for H. B. 2799 - Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2804 - Removing chiropractors from the list of medical professions required to obtain continuing education on mental health conditions common to veterans and family members (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2850 - Relating to product liability actions (SHOTT) (REGULAR)
- H. B. 2878 - Increasing amount of authorized Federal Grant Anticipation Notes for which Division of Highways may apply (NELSON) (REGULAR)
- Com. Sub. for H. B. 2897 - Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2941 - Requiring the Commissioner of the Division of Highways to utilize the Attorney General for all legal assistance and services (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3096 - Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state (STORCH) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

FRIDAY, MARCH 24, 2017

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 418M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215E**

**COMMITTEE ON FINANCE
9:00 A.M. & 2:00 P.M. – ROOM 460M**

**COMMITTEE ON EDUCATION
9:30 A.M. – ROOM 434M**

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

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