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March 3, 2018
FIFTY-THIRD DAY

Saturday, March 3, 2018

FIFTY-THIRD DAY

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

The House of Delegates met at 9:30 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 Friday, March 2, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of March, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 71, Defining "veteran" as it pertains to veteran-owned business,

And,

Com. Sub. for S. B. 237, Authorizing Department of Revenue promulgate legislative rules.

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

Your Committee on Finance has had under consideration:

S. B. 297, Eliminating taxation on annuity considerations collected by life insurer,

Com. Sub. for S. B. 359, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates,

And,

Com. Sub. for S. B. 500, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund,

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

Executive Messages

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 2, 2018, he approved **H. B. 4380, H. B. 4381, H. B. 4384 and H. B. 4386.**

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2696, Relating to crossbow hunting.

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

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

“ARTICLE 2. WILDLIFE RESOURCES.

§20-2-42a. Class A resident hunting and trapping license.

A Class A license is a resident hunting and trapping license and entitles the licensee to hunt and trap all legal species of wild animals and wild birds in all counties of the state, except that the licensee may not hunt deer during the deer archery, and muzzle-loader seasons, or black bear, wild turkey or wild boar during the respective seasons, big game as provided in §20-2-42v of this code, and except as prohibited by rules of the Director or Natural Resources Commission and when additional licenses, stamps, or permits are required. It shall be issued only to residents or aliens lawfully residing in the United States who have been domiciled residents of West Virginia for a period of 30 consecutive days or more immediately prior to the date of their application for a license. The fee for the license is \$18. This is a base license and does not require the purchase of a prerequisite license to participate in the activities specified in this section, except as noted.

§20-2-42q. Class RB resident and Class RRB nonresident archery deer hunting stamp for an additional deer.

The Director has the authority to may issue a Class RB resident and a Class RRB nonresident archery deer hunting stamp when deemed considered essential for the proper management of the wildlife resources. This stamp allows the licensee to hunt and take an additional deer during the deer archery or crossbow seasons as designated by the director. The fee for a Class RB stamp is \$20 and the fee for a Class RRB stamp is \$35. The director may promulgate propose rules for promulgation in accordance with §29A-3-1 *et seq.* of this code governing the issuance and use of these stamps. These stamps require that the licensee purchase the appropriate base license before participating in the activities specified in this section except as noted.

§20-2-42s. Class UU nonresident archery deer hunting stamp.

A Class UU stamp is a nonresident archery deer hunting stamp and entitles the licensee to hunt and take deer with a bow during the archery deer season or with a crossbow in the crossbow deer season in all counties of the state, except as prohibited by the rules of the Director or Natural Resources Commission. The fee for a Class UU stamp is \$30. The stamp, issued in a form prescribed by the director, shall be is in addition to a Class E license. This stamp requires that the licensee

purchase the appropriate base license before participating in the activities specified in this section except as noted.

§20-2-42v. Class BG resident big game stamp.

A Class BG stamp is a resident big game stamp and entitles the Class A licensee to hunt deer during the deer archery, crossbow, and muzzleloader seasons, and bear, wild turkey, and wild boar during the respective seasons, except as prohibited by rules of the Director or Natural Resources Commission: *Provided*, That the licensee possesses all other required permits and/or and stamps. The fee for the stamp is \$10. The stamp, issued in a form prescribed by the director, shall be in addition to a Class A license. This stamp requires that the licensee purchase the appropriate base license before participating in the activities specified in this section except as noted.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 292**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Blair, Deem, Eldridge, Ellington, Hornbuckle, Storch, Sypolt and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2696) passed.

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

A message from the Senate, by

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

H. B. 4332, Relating to home peritoneal renal dialysis.

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

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

“ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.

§30-5-22. Pharmacies to be registered.

(a) A pharmacy, an ambulatory health care facility, and a charitable clinic pharmacy shall register with the board.

(b) A person desiring to operate, maintain, open or establish a pharmacy shall register with the board.

(c) To be eligible for a registration to operate, maintain, open or establish a pharmacy the applicant shall:

(1) Submit a written application to the board;

(2) Pay all applicable fees;

(3) Designate a pharmacist-in-charge; and

(4) Successfully complete an inspection by the board.

(d) A separate application shall be made and separate registration issued for each location.

(e) Registrations are is not transferable.

(f) Registrations expire and shall be renewed annually.

(g) If a registration expires, the pharmacy shall be reinspected and an inspection fee is required.

(h) A registrant shall employ a pharmacist-in-charge and operate in compliance with the legislative rules governing the practice of pharmacist care and the operation of a pharmacy.

(i) The provisions of this section do not apply to the sale of nonprescription drugs which are not required to be dispensed pursuant to a practitioner's prescription.

(j) The provisions of this section do not apply to the sale or distribution of dialysate, drugs or devices necessary to perform home peritoneal renal dialysis to patients with end state renal disease, provided the requirements of §30-5-29 of this code are met.

§30-5-29. Limitations of article.

(a) This article may not be construed to prevent, restrict or in any manner interfere with the sale of nonnarcotic nonprescription drugs which may be lawfully sold without a prescription in accordance with the United States Food, Drug and Cosmetic Act or the laws of this state, nor may any legislative rule be adopted by the board which shall require the sale of nonprescription drugs by a licensed pharmacist or in a pharmacy or which shall prevent, restrict or otherwise interfere with the sale or distribution of such drugs by any retail merchant. The sale or distribution of nonprescription drugs may not be deemed to be improperly engaging in the practice of pharmacist care.

(b) This article may not be construed to interfere with any legally qualified practitioner of medicine, dentistry or veterinary medicine, who is not the proprietor of the store for the dispensing or retailing of drugs and who is not in the employ of such proprietor, in the compounding of his or her own prescriptions or to prevent him or her from supplying to his or her patients such medicines as he or she may deem proper, if such supply is not made as a sale.

(c) The exception provided in subsection (b) of this section does not apply to an ambulatory health care facility: *Provided*, That a legally licensed and qualified practitioner of medicine or dentistry may supply medicines to patients that he or she treats in a free clinic and that he or she deems appropriate.

(d) This article may not be construed to prevent, restrict or in any manner interfere with the sale or distribution of dialysate, drugs or devices necessary to perform home peritoneal renal dialysis to patients with end state renal disease, nor may any legislative rule be adopted by the board which shall require the sale or distribution of such peritoneal dialysis products by a licensed pharmacist or in a pharmacy, provided the following criteria are met:

(1) The dialysate, drugs or devices are approved or cleared by the Food and Drug Administration, as required by federal law.

(2) The dialysate, drugs or devices are lawfully held by a manufacturer or a manufacturer's agent that has obtained the proper permit from the board as a manufacturer or wholesale distributor, or third-party logistics provider.

(3) The dialysate, drugs or devices are held and delivered in their original, sealed packaging from the manufacturing facility.

(4) The dialysate, drugs or devices are delivered only upon receipt of a physician's prescription by a licensed pharmacy, and the transmittal of an order from the licensed pharmacy to the manufacturer or the manufacturer's agent; and

(5) The manufacturer or a manufacturer's agent delivers the dialysate, drugs, or devices directly to:

(A) A patient with chronic kidney failure, or his/her designee, for the patient's self-administration of the dialysis therapy; or

(B) A health care provider or institution for administration or delivery of the dialysis therapy to a patient with chronic kidney failure.

(e) The provisions of §30-5-29(d) of this code shall not alter the manner in which dialysate, drugs, devices necessary to perform home peritoneal renal dialysis to patients with end state renal disease are billed by Medicaid under the current pharmacy benefit structure.

(f) A person who handles a prescription drug only during the point of sale to provide the prescription drug to a patient and accept payment is not subject to the licensure requirements of this article. This handling process includes the cashier having access to the pharmacy's operating system to verify unique information for each patient. A pharmacy may require an individual to complete a criminal background check before he or she is hired."

And,

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

H. B. 4332 – "A Bill to amend and reenact §30-5-22 and §30-5-29 of the Code of West Virginia, 1931, as amended, all relating to the pharmacy practice act; allowing home peritoneal renal dialysis equipment and drugs to be distributed to patients with end state renal disease; providing for payment by Medicaid under the current benefit structure; and exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act."

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 293**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Isner, Marcum and Rodighiero.

Absent and Not Voting: Blair, Deem, Eldridge, Ellington, Hornbuckle, Storch and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4332) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect July 1, 2018, a bill of the House of Delegates as follows:

Com. Sub. for H. B. 4619, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth.

A message from the Senate, by

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

Com. Sub. for S. B. 181, Authorizing MAPS promulgate legislative rules.

A message from the Senate, by

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

Com. Sub. for S. B. 348, Allowing for disposal of service weapons of special DNR police officers.

Motions

On motion of Delegate Cowles, the House reconsidered the adoption, on yesterday, of the title amendment to **Com. Sub. for S. B. 451**, Relating generally to hunting and fishing.

On motion of Delegate Cowles, the House then reconsidered the passage of the bill.

Delegate Cowles asked unanimous consent that the rule be suspended to permit amendment of the bill on third reading, which consent was not obtained, objection being heard.

Delegate Cowles then moved that the rule be suspended to permit amendment of the bill on third reading.

On this question, the yeas and nays were taken (**Roll No. 294**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Jennings, Lane, Lynch, Pushkin and Rowe.

Absent and Not Voting: Deem, Ellington, Hornbuckle and Storch.

So, two thirds of the members present and voting having voted in the affirmative, the rule was suspended to permit amendment of the bill on third reading.

On motion of Delegates Hamilton, Graves, Martin and Butler, the bill was amended on page three, section five, line thirty-five, by striking out the word “handgun” and inserting in lieu thereof the word “firearm”.

On page three, section five, line forty, after the word “in”, by striking out the word “a”.

On page three, section five, line forty, after the word “park”, by striking out the comma and inserting in lieu thereof the word “or”.

On page three, section five, line forty, after the word “facilities”, by striking out the comma.

On page seven, section nine, line eight, by striking out “§20-2-5b” and inserting in lieu thereof “§20-2-5(b)”.

On page seven, section nine, line twelve, by striking out “§20-2-5b” and inserting in lieu thereof “§20-2-5(b)”.

And,

On page seven, section nine, line sixteen, by striking out “§20-2-5b” and inserting in lieu thereof “§20-2-5(b)”.

The question then being on the passage of the bill, the yeas and nays were taken (**Roll No. 295**), and there were—yeas 87, nays 8, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Fast, Fleischauer, Hanshaw, Iaquina, Jennings, Lane, Pushkin and Rowe.

Absent and Not Voting: Cooper, Deem, Ellington, Hornbuckle and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 451) passed.

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

Com. Sub. for S. B. 451 – “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-9 of said code, all relating generally to hunting and fishing; authorizing the use of certain technologies for hunting coyote, fox, racoon, opossum, and skunk; regulating firearm use and possession in certain places; prohibiting the use of a drone or unmanned aircraft to wound, harass, or transport wildlife; allowing certain persons to carry firearms, including handguns, rifles, or shotguns, for self-defense with certain exceptions; creating a misdemeanor and providing penalties for catching, taking, killing or attempting to catch, take, or kill any fish by any means within 200 feet of agency personnel stocking fish into public waters; removing a limitation on the starting time for Sunday hunting on private lands with the landowner’s permission; providing that the misdemeanor offenses of hunting, trapping, or fishing on the lands of another person, entering posted lands, hunting on private land on Sunday without written permission, and destroying posted land signs will all carry penalties equivalent to the penalty for the offense of criminal trespass; providing increased penalties upon conviction of second and subsequent violations of certain natural resources laws; permitting Sunday hunting on public lands; permitting noodling, or fishing for catfish using one’s bare hands; and making technical changes.”

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

Delegate Cowles asked and obtained unanimous consent that, for the remainder of the session, members of Conference Committees be permitted to vote on any question or issue before the House which they have missed as a direct result of their duties on Conference Committees, provided that such members notify the Clerk of the House in writing as to how they wish to vote, before the daily Journal is published, and that any such vote will not change the outcome on any question.

Special Calendar**Third Reading**

S. B. 143, Permitting DNR identification tag be used to identify trap; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 296**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Pushkin.

Absent and Not Voting: Deem, Ellington, Hornbuckle and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 143) passed.

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

S. B. 343, Limiting expenses in preparing list for notice to redeem; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 297**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Anderson, Frich, Lynch and Marcum.

Absent and Not Voting: Deem, Ellington, Hornbuckle and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 343) passed.

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

S. B. 343 - "A Bill to amend and reenact §11A-3-58 of the Code of West Virginia, 1931, as amended, relating to distributions to purchasers after land has been redeemed; increasing the amount of expenses that may be paid to a purchaser for expenses incurred in preparing the list of those to be served with notice to redeem and title examination to \$500."

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

S. B. 350, Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 298**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Ellington, Hornbuckle, Kelly, Storch and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 350) passed.

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

S. B. 350 - "A Bill to amend and reenact §29-22A-5 of the Code of West Virginia, 1931, as amended, relating to the elimination of a requirement that the Lottery Commission file racetrack video lottery game rules with the Secretary of State; and requiring the Secretary of State to post a notice on its website that the rules for video lottery games that have been approved by the Lottery Commission are available for review at the office of the commission and provide relevant contact information."

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. J. R. 12, No Constitutional right to abortion Amendment; on second reading, coming up in regular order, was read a second time.

Delegates Canestraro, Miley, Caputo and Brewer moved to amend the resolution on page one, lines ten and eleven, by striking out the words "the next general election to be held in the year" and inserting in lieu thereof the words "a special election to be held July 21" and a comma.

During debate on the amendment to the bill, the Speaker reminded the members to confine remarks to the question before the House.

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

The yeas and nays having been ordered, they were taken (**Roll No. 299**), and there were—yeas 35, nays 61, absent and not voting 4, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Deem, Ellington, Hornbuckle and Storch.

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

The resolution was then ordered to third reading.

Com. Sub. for S. B. 73, Modifying crime of fleeing from scene of accident; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 110, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

(a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-1 *et seq.* of this code or of this chapter; (ii) acted in such a way as would have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, the commissioner may impose any one or a combination of the following sanctions:

- (1) Revoke the licensee's license;
- (2) Suspend the licensee's license;
- (3) Place the licensee on probationary status for a period not to exceed 12 months; and
- (4) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.

(b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special revenue fund designated the Alcohol Beverage Control Enforcement Fund, which is hereby ~~created~~ continued. All moneys collected, received, and deposited in the Alcohol Beverage Control Enforcement Fund shall be kept and maintained for expenditures by the commissioner for the purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, and shall not be treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At the end of each fiscal year all funds in the Alcohol Beverage Control Enforcement Fund in excess of \$20,000 shall be transferred to the General Revenue Fund.

(c) In addition to the grounds for revocation, suspension, or other sanction of a license set forth in subsection (a) of this section, conviction of the licensee of any offense constituting a violation of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating beer, or gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the licensee of any violation of the laws of this state or of the United States relating to prostitution, or the sale, possession, or distribution of narcotics or controlled substances, shall be mandatory grounds for revocation of the licensee's license for a period of at least one year.

(d) A licensee shall notify, in a timely manner, emergency medical services or law enforcement if a licensee knows or has reason to know of a life-threatening medical emergency occurring on the licensed premises. In addition to the grounds for revocation, suspension, or other sanction of a license set forth in this section, the commissioner may, in his or her discretion, revoke, suspend, or otherwise sanction a licensee for failing to comply with the provisions of this subsection.

(e) If a life-threatening medical emergency occurs on a licensee's private premises requiring notification of emergency medical services or law enforcement under subsection (d) of this section, the licensee shall notify the Alcohol Beverage Control Administration within 48 hours of the emergency's occurrence. The commissioner may, in his or her discretion, revoke, suspend, or otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.

(f) As used in this section, a life-threatening medical emergency includes, but is not limited to, respiratory distress or cessation of breathing, severe chest pains, shock, uncontrolled bleeding, poisoning, prolonged unconsciousness, overdose, any complaint or observation which indicates significant head or spinal injury, and life-threatening physical injury caused by a crime of violence against the person occupying or emanating from the licensed premises.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 307, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance; on second reading, coming up in regular order, was read a second time.

On motion of Delegate R. Miller, the bill was amended on page two, section one, lines nineteen and twenty, by striking out the words “as regulated by the provisions of §29-26-1 *et seq.* of this code nonprofit service organization” and inserting in lieu thereof the words “and nonprofit service organizations”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 327, Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, section seven, line one, by striking out “§20-3-1 *et seq.*” and inserting in lieu thereof “§20-2B-3”.

The bill was then ordered to third reading.

S. B. 351, Permitting ballot commissioners serve while candidates for certain offices; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 395, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 1. GENERAL POLICY AND PURPOSE.

§22B-1-9. General provisions for judicial review.

(a) Any person, or the Secretary, as the case may be, adversely affected by an order made and entered by a board after an appeal hearing, held in accordance with the provisions of this chapter, is entitled to judicial review thereof. All of the provisions of §29A-5-4 of this code apply to and govern the review with like effect as if the provisions of that section four were set forth *in extenso* in this section, with the modifications or exceptions set forth in this chapter: *Provided*, That the exceptions set forth in §22B-2-3, §22B-3-3 and §22B-4-3 apply.

(b) The filing of a petition of appeal under the provisions of this chapter does not automatically stay or suspend the effectiveness or execution of the order, permit or official action pending appeal.

The board shall file with the clerk of the court wherein the petition for appeal is filed all papers, documents, evidence and other records comprising the complete record in the case, or certified copies thereof, as were before the board at the time of the entry of the order from which the appeal is taken.

(c) Notwithstanding any provisions of this code to the contrary, the Secretary may employ in-house legal counsel to perform all legal services for the Department and Secretary or any director, chief or division therein in all proceedings made under the provisions of this chapter, including those in any administrative proceeding or before any state or Federal court. Additionally, the Secretary may call upon the Attorney General for any legal assistance and representation as provided by law.

ARTICLE 2. AIR QUALITY BOARD.

§22B-2-3. Judicial review of air quality board orders.

All of the provisions of §22B-1-9 of this code apply to and govern such review with like effect as if the provisions of ~~said that~~ section ~~nine~~ were set forth *in extenso* in this section, with the following modifications or exceptions:

(1 ~~a~~) As to cases involving an order denying an application for a permit, or approving or modifying the terms and conditions of a permit, the petition for review shall be filed in the ~~circuit court of Kanawha County~~ Supreme Court of Appeals within 30 days of the board's order: *Provided, That, if all parties consent to it, the proceedings may continue in the Circuit Court of Kanawha County;* and

(2 ~~b~~) As to all other cases, the petition shall be filed in the circuit court of the county wherein the alleged statutory air pollution complained of originated or in Kanawha County upon agreement between the parties.

ARTICLE 3. ENVIRONMENTAL QUALITY BOARD.

§22B-3-3. Judicial review.

All of the provisions of §22B-1-9 of this code apply to and govern such review with like effect as if the provisions of ~~said that~~ section ~~nine~~ were set forth *in extenso* in this section, with the following modifications or exceptions:

(4 ~~a~~) As to cases involving an order denying an application for a permit, or approving or modifying the terms and conditions of a permit, the petition shall be filed in the ~~circuit court of Kanawha County~~ Supreme Court of Appeals within 30 days of the board's order: *Provided, That, if all parties consent to it, the proceedings may continue in the Circuit Court of Kanawha County;*

(2 ~~b~~) As to cases involving an order revoking or suspending a permit, the petition shall be filed in the circuit court of Kanawha County; and

(3 ~~c~~) As to cases involving an order directing that any and all discharges or deposits of solid waste, sewage, industrial wastes or other wastes, or the effluent therefrom, determined to be causing pollution be stopped or prevented or else that remedial action be taken, the petition shall be filed in the circuit court of the county in which the establishment is located or in which the pollution occurs.

ARTICLE 4. SURFACE MINE BOARD.

§22B-4-3. Judicial review.

All of the provisions of §22B-1-9 of this code apply to and govern such review with like effect as if the provisions of that ~~said~~ section ~~nine~~ were set forth *in extenso* in this section. ~~except the petition~~

~~shall be filed in the circuit court of Kanawha County or the county in which the surface-mining operation is located with the following modifications or exceptions:~~

(a) As to cases involving an order denying an application for a permit, or approving or modifying the terms and conditions of a permit, the petition shall be filed in the Supreme Court of Appeals within 30 days of the board's order: *Provided*, That, if all parties consent to it, the proceedings may continue in the Circuit Court of Kanawha County;

(b) As to all other cases, the petition shall be filed in the circuit court of Kanawha County or in the county wherein the surface mining operation is located.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 397, Creating crime of impersonating blind or disabled person; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 404, Relating to sex offender registry information; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page five, section two, line ninety-seven, by striking out the words “or adjudicated”.

The bill was then ordered to third reading.

S. B. 539, Increasing limit for settling claims against DOH; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 561, Increasing minimum contract price requiring execution of bond with respect to building or repairing school property; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

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

Com. Sub. for S. B. 7, Relating to claims under Wage Payment and Collection Act,

S. B. 47, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child,

Com. Sub. for S. B. 102, Creating WV Uniform Fiduciary Access to Digital Assets Act,

Com. Sub. for S. B. 133, Exempting renewal of certain contracts entered into during declared state of emergency,

S. B. 272, Relating generally to drug control,

S. B. 298, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes,

S. B. 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma,

S. B. 365, Relating to Young Entrepreneur Reinvestment Act,

Com. Sub. for S. B. 412, Relating to authority of county litter control officers,

S. B. 427, Modifying form of notice for certain tax delinquencies,

S. B. 441, Relating to health care provider taxes,

Com. Sub. for S. B. 456, Physical Therapy Licensure Compact Act,

Com. Sub. for S. B. 493, Relating to guaranty associations,

Com. Sub. for S. B. 499, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees,

Com. Sub. for S. B. 510, Designating hospitals for stroke treatment,

Com. Sub. for S. B. 522, Relating generally to Administrative Procedures Act,

And,

S. B. 545, Relating to driving privileges and requirements for persons under 18.

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

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:

S. B. 347, Relating to operation of motorboats,

Com. Sub. for S. B. 543, Relating to confidentiality of medical records,

Com. Sub. for S. B. 574, Relating to crime of misrepresentation of military honors,

And,

Com. Sub. for S. B. 582, Allowing candidate for political party executive committee serve as election official.

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:

S. B. 273, Reducing use of certain prescription drugs,

Com. Sub. for S. B. 475, Industrial Hemp Development Act,

Com. Sub. for S. B. 575, Approving additional beds for intermediate care facilities,

Com. Sub. for S. B. 616, Establishing maximum gross weight for certain wood-bearing trucks,

And,

S. B. 626, Relating generally to coal mining,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 261, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund,

S. B. 299, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas,

Com. Sub. for S. B. 461, Extending time to file petition for motor fuel excise tax refund,

And,

S. B. 576, Relating to Patient Injury Compensation Fund,

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

Delegate Statler, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

Com. Sub. for S. B. 625, Creating WV Volunteer Fire and Rescue Act of 2018,

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 (Com. Sub. for S. B. 625) was referred to the Committee on Finance.

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. 116, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset,

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

In the absence of objection, reference of the bill (Com. Sub. for S. B. 116) to the Committee on Finance was abrogated.

At 11:35 a.m., on motion of Delegate Cowles, the House of Delegates recessed until 3:30 p.m.

* * * * *

Afternoon Session

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

Messages from the Senate

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

Com. Sub. for H. B. 4145, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel.

Delegate Cowles moved the House of Delegates refuse to concur in the following amendment by the Senate:

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

"CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant, and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.

(b) The superintendent may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and independent review of any system developed under the provisions of this section.

(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.

(d) Beginning on July 1, 2018, members shall receive annual salaries payable at least twice per month as follows:

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~SUPERVISORY AND NONSUPERVISORY RANKS~~

Cadet During Training	\$34,858
Cadet Trooper After Training.....	\$ 42,122
Trooper Second Year.....	43,130
Trooper Third Year.....	43,513
Senior Trooper.....	43,912
Trooper First Class.....	44,518
Corporal.....	45,124
Sergeant.....	49,425
First Sergeant.....	51,576
Second Lieutenant.....	53,726
First Lieutenant.....	55,877
Captain.....	58,028
Major.....	60,178
Lieutenant Colonel.....	62,329

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION~~

I.....	43,130
II.....	43,912
III.....	44,518
IV.....	45,124
V.....	49,425

VI	51,576
VII	53,726
VIII	55,877

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I	43,130
II	43,912
III	44,518
IV	45,124
V	49,425
VI	51,576
VII	53,726
VIII	55,877

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Cadet During Training</u>	<u>\$ 35,722</u>
<u>Cadet Trooper After Training.....</u>	<u>42,982</u>
<u>Trooper Second Year</u>	<u>43,994</u>
<u>Trooper Third Year</u>	<u>44,377</u>
<u>Senior Trooper</u>	<u>44,776</u>
<u>Trooper First Class.....</u>	<u>45,382</u>
<u>Corporal</u>	<u>45,988</u>
<u>Sergeant</u>	<u>50,289</u>
<u>First Sergeant.....</u>	<u>52,440</u>
<u>Second Lieutenant</u>	<u>54,590</u>
<u>First Lieutenant</u>	<u>56,741</u>
<u>Captain.....</u>	<u>58,892</u>

<u>Major</u>	<u>61,042</u>
<u>Lieutenant Colonel</u>	<u>63,193</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

<u>I</u>	<u>43,994</u>
<u>II</u>	<u>44,776</u>
<u>III</u>	<u>45,382</u>
<u>IV</u>	<u>45,988</u>
<u>V</u>	<u>50,289</u>
<u>VI</u>	<u>52,440</u>
<u>VII</u>	<u>54,590</u>
<u>VIII</u>	<u>56,741</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

<u>I</u>	<u>43,994</u>
<u>II</u>	<u>44,776</u>
<u>III</u>	<u>45,382</u>
<u>IV</u>	<u>45,988</u>
<u>V</u>	<u>50,289</u>
<u>VI</u>	<u>52,440</u>
<u>VII</u>	<u>54,590</u>
<u>VIII</u>	<u>56,741</u>

~~Beginning July 1, 2019, the annual salaries for members of each of the West Virginia State Police, the Administration Support Specialists, and the Criminalist classifications set forth in the schedules in this subsection shall be increased an additional \$432.~~

Each member of the West Virginia State Police whose salary is fixed and specified in this annual salary schedule is entitled to the length of service increases set forth in §15-2-5(e) of this code and supplemental pay as provided in §15-2-5(g) of this code.

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in §15-2-5(d) of this code for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

(f) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the schedules become effective shall be given credit for prior service and shall be paid the salaries the same length of service entitles them to receive under the provisions of this section.

(g) The Legislature finds and declares that because of the unique duties of members of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia State Police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.

In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may receive supplemental pay as provided in this section.

The authority of the superintendent to propose a legislative rule or amendment thereto for promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours per month which constitute the standard pay period for the members of the West Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in excess of the standard pay period. The superintendent shall certify at least twice per month to the West Virginia State Police's payroll officer the names of those members who have worked in excess of the standard pay period and the amount of their entitlement to supplemental payment. The supplemental payment may not exceed \$200 per pay period. The superintendent and civilian employees of the West Virginia State Police are not eligible for any supplemental payments.

(h) Each member of the West Virginia State Police, except the superintendent and civilian employees, shall execute, before entering upon the discharge of his or her duties, a bond with security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful performance of his or her duties, and the bond shall be approved as to form by the Attorney General and as to sufficiency by the Governor.

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members' participation in the West Virginia State Police Cadet Training Program pursuant to §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the

United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-2. State minimum salaries for teachers.

(a) It is the goal of the Legislature to increase the state minimum salary for teachers with zero years of experience and an A. B. degree, including the equity supplement, to at least \$43,000 by fiscal year 2019.

(b) (4) For school year 2018–2019, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE

Years Exp	4 th Class	3 rd Class	2 nd Class	A.B. A.B.	A.B. +15	M.A. M.A.	M.A. +15	M.A. +30	M.A. +45	Dec- terate
0	28,725	29,414	29,680	31,123	31,884	33,651	34,412	35,173	35,934	36,969
1	29,053	29,742	30,008	31,641	32,402	34,170	34,931	35,691	36,452	37,487
2	29,382	30,070	30,336	32,160	32,921	34,688	35,449	36,210	36,971	38,006
3	29,710	30,398	30,664	32,679	33,439	35,207	35,968	36,728	37,489	38,524
4	30,282	30,970	31,236	33,441	34,202	35,970	36,731	37,491	38,252	39,287
5	30,610	31,298	31,564	33,960	34,721	36,488	37,249	38,010	38,771	39,806
6	30,938	31,626	31,892	34,478	35,239	37,007	37,768	38,528	39,289	40,324
7	31,266	31,955	32,220	34,997	35,758	37,525	38,286	39,047	39,808	40,843
8	31,594	32,283	32,549	35,515	36,276	38,044	38,805	39,565	40,326	41,361
9	31,922	32,611	32,877	36,034	36,795	38,562	39,323	40,084	40,845	41,880
10	32,251	32,939	33,205	36,554	37,314	39,082	39,843	40,604	41,364	42,399
11	32,579	33,267	33,533	37,072	37,833	39,601	40,361	41,122	41,883	42,918

12	32,907	33,595	33,861	37,591	38,351	40,119	40,880	41,641	42,401	43,436
13	33,235	33,923	34,189	38,109	38,870	40,638	41,398	42,159	42,920	43,955
14	33,563	34,251	34,517	38,628	39,388	41,156	41,917	42,678	43,438	44,473
15	33,891	34,579	34,845	39,146	39,907	41,675	42,435	43,196	43,957	44,992
16	34,219	34,907	35,173	39,665	40,425	42,193	42,954	43,715	44,475	45,510
17	34,547	35,236	35,501	40,183	40,944	42,712	43,473	44,233	44,994	46,029
18	34,875	35,564	35,830	40,702	41,463	43,230	43,991	44,752	45,513	46,548
19	35,203	35,892	36,158	41,220	41,981	43,749	44,510	45,270	46,031	47,066
20	35,531	36,220	36,486	41,739	42,500	44,267	45,028	45,789	46,550	47,585
21	35,860	36,548	36,814	42,257	43,018	44,786	45,547	46,307	47,068	48,103
22	36,188	36,876	37,142	42,776	43,537	45,304	46,065	46,826	47,587	48,622
23	36,516	37,204	37,470	43,295	44,055	45,823	46,584	47,344	48,105	49,140
24	36,844	37,532	37,798	43,813	44,574	46,342	47,102	47,863	48,624	49,659
25	37,172	37,860	38,126	44,332	45,092	46,860	47,621	48,382	49,142	50,177
26	37,500	38,188	38,454	44,850	45,611	47,379	48,139	48,900	49,661	50,696
27	37,828	38,516	38,782	45,369	46,129	47,897	48,658	49,419	50,179	51,214
28	38,156	38,845	39,110	45,887	46,648	48,416	49,176	49,937	50,698	51,733
29	38,484	39,173	39,439	46,406	47,166	48,934	49,695	50,456	51,216	52,251
30	38,812	39,501	39,767	46,924	47,685	49,453	50,213	50,974	51,735	52,770
31	39,141	39,829	40,095	47,443	48,204	49,971	50,732	51,493	52,253	53,288
32	39,469	40,157	40,423	47,961	48,722	50,490	51,251	52,011	52,772	53,807
33	39,797	40,485	40,751	48,480	49,241	51,008	51,769	52,530	53,291	54,326
34	40,125	40,813	41,079	48,998	49,759	51,527	52,288	53,048	53,809	54,844
35	40,453	41,141	41,407	49,517	50,278	52,045	52,806	53,567	54,328	55,363
<u>Years</u>	<u>4th</u>	<u>3rd</u>	<u>2nd</u>	<u>A.B.</u>	<u>A.B.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>Doc-</u>
<u>Exp</u>	<u>Class</u>	<u>Class</u>	<u>Class</u>		<u>+ 15</u>		<u>+ 15</u>	<u>+ 30</u>	<u>+ 45</u>	<u>torate</u>
0	29,533	30,222	30,488	31,931	32,692	34,459	35,220	35,981	36,742	37,777
1	29,861	30,550	30,816	32,449	33,210	34,978	35,739	36,499	37,260	38,295

2	30,190	30,878	31,144	32,968	33,729	35,496	36,257	37,018	37,779	38,814
3	30,518	31,206	31,472	33,487	34,247	36,015	36,776	37,536	38,297	39,332
4	31,090	31,778	32,044	34,249	35,010	36,778	37,539	38,299	39,060	40,095
5	31,418	32,106	32,372	34,768	35,529	37,296	38,057	38,818	39,579	40,614
6	31,746	32,434	32,700	35,286	36,047	37,815	38,576	39,336	40,097	41,132
7	32,074	32,763	33,028	35,805	36,566	38,333	39,094	39,855	40,616	41,651
8	32,402	33,091	33,357	36,323	37,084	38,852	39,613	40,373	41,134	42,169
9	32,730	33,419	33,685	36,842	37,603	39,370	40,131	40,892	41,653	42,688
10	33,059	33,747	34,013	37,362	38,122	39,890	40,651	41,412	42,172	43,207
11	33,387	34,075	34,341	37,880	38,641	40,409	41,169	41,930	42,691	43,726
12	33,715	34,403	34,669	38,399	39,159	40,927	41,688	42,449	43,209	44,244
13	34,043	34,731	34,997	38,917	39,678	41,446	42,206	42,967	43,728	44,763
14	34,371	35,059	35,325	39,436	40,196	41,964	42,725	43,486	44,246	45,281
15	34,699	35,387	35,653	39,954	40,715	42,483	43,243	44,004	44,765	45,800
16	35,027	35,715	35,981	40,473	41,233	43,001	43,762	44,523	45,283	46,318
17	35,355	36,044	36,309	40,991	41,752	43,520	44,281	45,041	45,802	46,837
18	35,683	36,372	36,638	41,510	42,271	44,038	44,799	45,560	46,321	47,356
19	36,011	36,700	36,966	42,028	42,789	44,557	45,318	46,078	46,839	47,874
20	36,339	37,028	37,294	42,547	43,308	45,075	45,836	46,597	47,358	48,393
21	36,668	37,356	37,622	43,065	43,826	45,594	46,355	47,115	47,876	48,911
22	36,996	37,684	37,950	43,584	44,345	46,112	46,873	47,634	48,395	49,430
23	37,324	38,012	38,278	44,103	44,863	46,631	47,392	48,152	48,913	49,948
24	37,652	38,340	38,606	44,621	45,382	47,150	47,910	48,671	49,432	50,467
25	37,980	38,668	38,934	45,140	45,900	47,668	48,429	49,190	49,950	50,985
26	38,308	38,996	39,262	45,658	46,419	48,187	48,947	49,708	50,469	51,504
27	38,636	39,324	39,590	46,177	46,937	48,705	49,466	50,227	50,987	52,022
28	38,964	39,653	39,918	46,695	47,456	49,224	49,984	50,745	51,506	52,541
29	39,292	39,981	40,247	47,214	47,974	49,742	50,503	51,264	52,024	53,059

30	39,620	40,309	40,575	47,732	48,493	50,261	51,021	51,782	52,543	53,578
31	39,949	40,637	40,903	48,251	49,012	50,779	51,540	52,301	53,061	54,096
32	40,277	40,965	41,231	48,769	49,530	51,298	52,059	52,819	53,580	54,615
33	40,605	41,293	41,559	49,288	50,049	51,816	52,577	53,338	54,099	55,134
34	40,933	41,621	41,887	49,806	50,567	52,335	53,096	53,856	54,617	55,652
35	41,261	41,949	42,215	50,325	51,086	52,853	53,614	54,375	55,136	56,171

~~(2) For school year 2019–2020, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$404; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.~~

~~(3) For school year 2020–2021, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule as set forth in this section, plus \$808; specific additional amounts prescribed in this section or article; and any county supplement in effect in a county pursuant to §18A-4-5a of this code during the contract year.~~

(c) Six hundred dollars shall be paid annually to each classroom teacher who has at least 20 years of teaching experience. The payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

(d) To meet the objective of salary equity among the counties as set forth in §18A-4-5 of this code, each teacher shall be paid an equity supplement amount as applicable for his or her classification of certification or classification of training and years of experience as follows, subject to the provisions of that section:

(1) For '4th Class' at zero years of experience, \$1,781. An additional \$38 shall be paid for each year of experience up to and including 35 years of experience;

(2) For '3rd Class' at zero years of experience, \$1,796. An additional \$67 shall be paid for each year of experience up to and including 35 years of experience;

(3) For '2nd Class' at zero years of experience, \$1,877. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(4) For 'A. B.' at zero years of experience, \$2,360. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(5) For 'A. B. + 15' at zero years of experience, \$2,452. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(6) For 'M. A.' at zero years of experience, \$2,644. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(7) For 'M. A. + 15' at zero years of experience, \$2,740. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(8) For 'M. A. + 30' at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience;

(9) For 'M. A. + 45' at zero years of experience, \$2,836. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience; and

(10) For 'Doctorate' at zero years of experience, \$2,927. An additional \$69 shall be paid for each year of experience up to and including 35 years of experience.

These payments: (i) Shall be in addition to any amounts prescribed in the applicable State Minimum Salary Schedule, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to §18A-4-5a of this code; (ii) shall be paid in equal monthly installments; and (iii) shall be considered a part of the state minimum salaries for teachers.

§18A-4-8a. Service personnel minimum monthly salaries.

(a) The minimum monthly pay for each service employee shall be as follows:

(1) For school year 2018–2019, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE

Years Exp.	PAY GRADE							
	A	B	C	D	E	F	G	H
0	1,704	1,725	1,767	1,820	1,873	1,936	1,968	2,041
1	1,736	1,758	1,799	1,852	1,906	1,969	2,000	2,074
2	1,769	1,790	1,832	1,885	1,938	2,001	2,033	2,106
3	1,801	1,823	1,865	1,918	1,971	2,034	2,066	2,139
4	1,834	1,856	1,897	1,950	2,003	2,067	2,098	2,173
5	1,867	1,888	1,930	1,983	2,036	2,099	2,131	2,205
6	1,899	1,921	1,964	2,016	2,069	2,132	2,164	2,238
7	1,933	1,953	1,996	2,048	2,101	2,165	2,196	2,271
8	1,966	1,986	2,029	2,081	2,134	2,197	2,229	2,303
9	1,998	2,019	2,062	2,115	2,167	2,230	2,261	2,336

10	2,034	2,052	2,094	2,147	2,199	2,264	2,295	2,369
11	2,064	2,085	2,127	2,180	2,232	2,296	2,328	2,401
12	2,096	2,118	2,159	2,213	2,266	2,329	2,360	2,434
13	2,129	2,150	2,192	2,245	2,298	2,361	2,393	2,467
14	2,162	2,183	2,225	2,278	2,331	2,394	2,426	2,499
15	2,194	2,216	2,257	2,310	2,363	2,427	2,458	2,532
16	2,227	2,248	2,290	2,343	2,396	2,459	2,491	2,565
17	2,259	2,281	2,324	2,376	2,429	2,492	2,524	2,598
18	2,292	2,314	2,356	2,408	2,461	2,525	2,556	2,631
19	2,326	2,346	2,389	2,441	2,494	2,557	2,589	2,663
20	2,358	2,379	2,422	2,475	2,527	2,590	2,622	2,697
21	2,391	2,411	2,454	2,507	2,559	2,623	2,654	2,731
22	2,424	2,445	2,487	2,540	2,592	2,656	2,688	2,763
23	2,456	2,478	2,520	2,573	2,626	2,690	2,722	2,797
24	2,489	2,510	2,552	2,605	2,658	2,724	2,755	2,831
25	2,522	2,543	2,585	2,638	2,692	2,756	2,789	2,863
26	2,554	2,576	2,617	2,672	2,726	2,790	2,821	2,897
27	2,587	2,608	2,650	2,704	2,758	2,822	2,855	2,930
28	2,620	2,641	2,684	2,738	2,792	2,856	2,889	2,964
29	2,652	2,675	2,717	2,770	2,825	2,890	2,921	2,998
30	2,686	2,707	2,751	2,804	2,858	2,922	2,955	3,031
31	2,719	2,741	2,785	2,838	2,892	2,956	2,989	3,064
32	2,753	2,774	2,817	2,871	2,924	2,990	3,021	3,098
33	2,787	2,807	2,851	2,905	2,958	3,022	3,055	3,131
34	2,819	2,841	2,885	2,939	2,992	3,056	3,089	3,164
35	2,853	2,875	2,917	2,971	3,024	3,090	3,122	3,198
36	2,887	2,908	2,951	3,005	3,059	3,123	3,156	3,230
37	2,919	2,942	2,985	3,039	3,093	3,157	3,189	3,264

38	2,953	2,974	3,017	3,074	3,125	3,190	3,222	3,298
39	2,987	3,008	3,051	3,105	3,159	3,223	3,256	3,330
40	3,019	3,042	3,084	3,138	3,193	3,257	3,289	3,364

Years

Exp.

PAY GRADE

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	1,748	1,769	1,811	1,864	1,917	1,980	2,012	2,085
1	1,780	1,802	1,843	1,896	1,950	2,013	2,044	2,118
2	1,813	1,834	1,876	1,929	1,982	2,045	2,077	2,150
3	1,845	1,867	1,909	1,962	2,015	2,078	2,110	2,183
4	1,878	1,900	1,941	1,994	2,047	2,111	2,142	2,217
5	1,911	1,932	1,974	2,027	2,080	2,143	2,175	2,249
6	1,943	1,965	2,008	2,060	2,113	2,176	2,208	2,282
7	1,977	1,997	2,040	2,092	2,145	2,209	2,240	2,315
8	2,010	2,030	2,073	2,125	2,178	2,241	2,273	2,347
9	2,042	2,063	2,106	2,159	2,211	2,274	2,305	2,380
10	2,075	2,096	2,138	2,191	2,243	2,308	2,339	2,413
11	2,108	2,129	2,171	2,224	2,276	2,340	2,372	2,445
12	2,140	2,162	2,203	2,257	2,310	2,373	2,404	2,478
13	2,173	2,194	2,236	2,289	2,342	2,405	2,437	2,511
14	2,206	2,227	2,269	2,322	2,375	2,438	2,470	2,543
15	2,238	2,260	2,301	2,354	2,407	2,471	2,502	2,576
16	2,271	2,292	2,334	2,387	2,440	2,503	2,535	2,609
17	2,303	2,325	2,368	2,420	2,473	2,536	2,568	2,642
18	2,336	2,358	2,400	2,452	2,505	2,569	2,600	2,675
19	2,370	2,390	2,433	2,485	2,538	2,601	2,633	2,707
20	2,402	2,423	2,466	2,519	2,571	2,634	2,666	2,741
21	2,435	2,455	2,498	2,551	2,603	2,667	2,698	2,775

22	2,468	2,489	2,531	2,584	2,636	2,700	2,732	2,807
23	2,500	2,522	2,564	2,617	2,670	2,734	2,766	2,841
24	2,533	2,554	2,596	2,649	2,702	2,768	2,799	2,875
25	2,566	2,587	2,629	2,682	2,736	2,800	2,833	2,907
26	2,598	2,620	2,661	2,716	2,770	2,834	2,865	2,941
27	2,631	2,652	2,694	2,748	2,802	2,866	2,899	2,974
28	2,664	2,685	2,728	2,782	2,836	2,900	2,933	3,008
29	2,696	2,719	2,761	2,814	2,869	2,934	2,965	3,042
30	2,730	2,751	2,795	2,848	2,902	2,966	2,999	3,075
31	2,763	2,785	2,829	2,882	2,936	3,000	3,033	3,108
32	2,797	2,818	2,861	2,915	2,968	3,034	3,065	3,142
33	2,831	2,851	2,895	2,949	3,002	3,066	3,099	3,175
34	2,863	2,885	2,929	2,983	3,036	3,100	3,133	3,208
35	2,897	2,919	2,961	3,015	3,068	3,134	3,166	3,242
36	2,931	2,952	2,995	3,049	3,103	3,167	3,200	3,274
37	2,963	2,986	3,029	3,083	3,137	3,201	3,233	3,308
38	2,997	3,018	3,061	3,115	3,169	3,234	3,266	3,342
39	3,031	3,052	3,095	3,149	3,203	3,267	3,300	3,374
40	3,063	3,086	3,128	3,182	3,237	3,301	3,333	3,408

~~(2) For school year 2019–2020, and continuing thereafter, the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the State Minimum Pay Scale Pay Grade, plus \$22; and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay Scale Pay Grade, plus \$11.~~

~~(3)~~(2) Each service employee shall receive the amount prescribed in the State Minimum Pay Scale Pay Grade in accordance with the provisions of this subsection according to their class title and pay grade as set forth in this subdivision:

CLASS TITLE	PAY GRADE
Accountant I	D
Accountant II	E

Accountant III	F
Accounts Payable Supervisor	G
Aide I	A
Aide II	B
Aide III	C
Aide IV	D
Audiovisual Technician	C
Auditor	G
Autism Mentor	F
Braille Specialist	E
Bus Operator	D
Buyer	F
Cabinetmaker	G
Cafeteria Manager	D
Carpenter I	E
Carpenter II	F
Chief Mechanic	G
Clerk I	B
Clerk II	C
Computer Operator	E
Cook I	A
Cook II	B
Cook III	C
Crew Leader	F
Custodian I	A
Custodian II	B
Custodian III	C

Custodian IV	D
Director or Coordinator of Services	H
Draftsman	D
Early Childhood Classroom Assistant Teacher I	E
Early Childhood Classroom Assistant Teacher II	E
Early Childhood Classroom Assistant Teacher III	F
Educational Sign Language Interpreter I	F
Educational Sign Language Interpreter II	G
Electrician I	F
Electrician II	G
Electronic Technician I	F
Electronic Technician II	G
Executive Secretary	G
Food Services Supervisor	G
Foreman	G
General Maintenance	C
Glazier	D
Graphic Artist	D
Groundsman	B
Handyman	B
Heating and Air Conditioning Mechanic I	E
Heating and Air Conditioning Mechanic II	G
Heavy Equipment Operator	E
Inventory Supervisor	D
Key Punch Operator	B
Licensed Practical Nurse	F
Locksmith	G

Lubrication Man	C
Machinist	F
Mail Clerk	D
Maintenance Clerk	C
Mason	G
Mechanic	F
Mechanic Assistant	E
Office Equipment Repairman I	F
Office Equipment Repairman II	G
Painter	E
Paraprofessional	F
Payroll Supervisor	G
Plumber I	E
Plumber II	G
Printing Operator	B
Printing Supervisor	D
Programmer	H
Roofing/Sheet Metal Mechanic	F
Sanitation Plant Operator	G
School Bus Supervisor	E
Secretary I	D
Secretary II	E
Secretary III	F
Sign Support Specialist	E
Supervisor of Maintenance	H
Supervisor of Transportation	H
Switchboard Operator-Receptionist	D

Truck DriverD
Warehouse ClerkC
WatchmanB
WelderF
WVEIS Data Entry and Administrative ClerkB

(b) An additional \$12 per month is added to the minimum monthly pay of each service person who holds a high school diploma or its equivalent.

(c) An additional \$11 per month also is added to the minimum monthly pay of each service person for each of the following:

- (1) A service person who holds 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (2) A service person who holds 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (3) A service person who holds 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (4) A service person who holds 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (5) A service employee who holds 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (6) A service person who holds 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (7) A service person who holds 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (8) A service person who holds 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (9) A service person who holds 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;
- (10) A service person who holds 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

(d) An additional \$40 per month also is added to the minimum monthly pay of each service person for each of the following:

- (1) A service person who holds an associate’s degree;
- (2) A service person who holds a bachelor’s degree;
- (3) A service person who holds a master’s degree;

(4) A service person who holds a doctorate degree.

(e) An additional \$11 per month is added to the minimum monthly pay of each service person for each of the following:

(1) A service person who holds a bachelor's degree plus 15 college hours;

(2) A service person who holds a master's degree plus 15 college hours;

(3) A service person who holds a master's degree plus 30 college hours;

(4) A service person who holds a master's degree plus 45 college hours; and

(5) A service person who holds a master's degree plus 60 college hours.

(f) To meet the objective of salary equity among the counties, each service person is paid an equity supplement, as set forth in §18A-4-5 of this code, of \$164 per month, subject to the provisions of that section. These payments: (i) Are in addition to any amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional amounts prescribed in this section and article and any county supplement in effect in a county pursuant to §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are considered a part of the state minimum salaries for service personnel.

(g) When any part of a school service person's daily shift of work is performed between the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an additional \$10 per month and one half of the pay is paid with local funds.

(h) Any service person required to work on any legal school holiday is paid at a rate one and one-half times the person's usual hourly rate.

(i) Any full-time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid is paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate and paid entirely from county board funds.

(j) A service person may not have his or her daily work schedule changed during the school year without the employee's written consent and the person's required daily work hours may not be changed to prevent the payment of time and one-half wages or the employment of another employee.

(k) The minimum hourly rate of pay for extra duty assignments as defined in §18A-4-8b of this code is no less than one seventh of the person's daily total salary for each hour the person is involved in performing the assignment and paid entirely from local funds: *Provided*, That an alternative minimum hourly rate of pay for performing extra duty assignments within a particular category of employment may be used if the alternate hourly rate of pay is approved both by the county board and by the affirmative vote of a two-thirds majority of the regular full-time persons within that classification category of employment within that county: *Provided, however*, That the vote is by secret ballot if requested by a service person within that classification category within that county. The salary for any fraction of an hour the employee is involved in performing the assignment is prorated accordingly. When performing extra duty assignments, persons who are regularly employed on a one-half day salary basis shall receive the same hourly extra duty assignment pay computed as though the person were employed on a full-day salary basis.

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than

an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental Protection Act-approved training program and be licensed. The employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

(m) For the purpose of qualifying for additional pay as provided in §18A-5-8 of this code, an aide is considered to be exercising the authority of a supervisory aide and control over pupils if the aide is required to supervise, control, direct, monitor, escort, or render service to a child or children when not under the direct supervision of a certified professional person within the classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever supervision is required. For purposes of this section, 'under the direct supervision of a certified professional person' means that certified professional person is present, with and accompanying the aide."

On the motion to refuse to concur, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 300**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Deem, A. Evans, Fleischauer, Hornbuckle, C. Romine and Storch.

So, a majority of the members present and voting having voted in the affirmative, the House of Delegates refused to concur in the Senate amendment and requested the Senate to recede therefrom.

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

At 10:07 p.m., on motion of Delegate Cowles, the House of Delegates recessed for thirty minutes.

* * * * *

Evening Session

* * * * *

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

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. 4145, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel.

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

Senators Ferns, Blair and Plymale.

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 Anderson, Espinosa and Boggs.

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

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

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. 36, Relating generally to DNA testing,

Com. Sub. for S. B. 465, Relating to mandated reporting of child abuse and neglect,

Com. Sub. for S. B. 555, Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities,

And,

S. B. 631, Relating generally to one-call system,

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:

S. B. 282, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery,

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

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

Your Committee on Finance has had under consideration:

S. B. 584, Finding certain claims against state to be moral obligations of state,

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

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

Your Committee on Finance has had under consideration:

S. B. 479, Establishing local government monitoring by Auditor,

Com. Sub. for S. B. 589, Relating to issuance of personalized plates for antique motor vehicles,

And,

Com. Sub. for S. B. 590, Providing special license plate for curing childhood cancer,

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. 51, Relating to domestic relations.

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

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

Your Committee on the Judiciary has had under consideration:

S. B. 627, Permitting local governments to access certain economic development project-related tax records,

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

In accordance with the former direction of the Speaker, the bill (S. B. 627) was referred to the Committee on Finance.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Deem, Hornbuckle and Storch.

Miscellaneous Business

Delegate Cooper announced that he was absent when the vote was taken on Com. Sub. for S. B. 451, and that had he been present, he would have voted "Yea" thereon.

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

- Delegates Canestraro and Moye during debate on amendment to Com. Sub. for S. J. R. 12

At 10:49 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 5, 2018.

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

SPECIAL CALENDAR

Monday, March 5, 2018

55th Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. J. R. 12 - No Constitutional right to abortion Amendment (SHOTT)
- Com. Sub. for S. B. 73 - Modifying crime of fleeing from scene of accident (SHOTT) (REGULAR)
- Com. Sub. for S. B. 110 - Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises (SHOTT) (REGULAR)
- Com. Sub. for S. B. 307 - Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance (SHOTT) (REGULAR)
- Com. Sub. for S. B. 327 - Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty (SHOTT) (REGULAR)
- S. B. 346 - Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses (NELSON) (REGULAR)
- S. B. 351 - Permitting ballot commissioners serve while candidates for certain offices (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 395 - Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 397 - Creating crime of impersonating blind or disabled person (SHOTT) (REGULAR)
- Com. Sub. for S. B. 404 - Relating to sex offender registry information (SHOTT) (REGULAR)
- S. B. 539 - Increasing limit for settling claims against DOH (SHOTT) (REGULAR)
- Com. Sub. for S. B. 561 - Increasing minimum contract price requiring execution of bond with respect to building or repairing school property (ESPINOSA) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 7 - Relating to claims under Wage Payment and Collection Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 47 - Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child (SHOTT) (REGULAR)

- Com. Sub. for S. B. 102 - Creating WV Uniform Fiduciary Access to Digital Assets Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 133 - Exempting renewal of certain contracts entered into during declared state of emergency (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 272 - Relating generally to drug control (ELLINGTON) (REGULAR) (PREVENTION AND TREATMENT OF SUBSTANCE ABUSE COMMITTEE AMENDMENT PENDING)
- S. B. 298 - Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes (NELSON) (REGULAR)
- Com. Sub. for S. B. 319 - Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma (ESPINOSA) (JULY 1, 2018) (EDUCATION COMMITTEE AMENDMENT PENDING)
- S. B. 365 - Relating to Young Entrepreneur Reinvestment Act (HILL) (REGULAR)
- Com. Sub. for S. B. 412 - Relating to authority of county litter control officers (SHOTT) (REGULAR)
- S. B. 427 - Modifying form of notice for certain tax delinquencies (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- S. B. 441 - Relating to health care provider taxes (NELSON) (JULY 1, 2018) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 456 - Physical Therapy Licensure Compact Act (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 493 - Relating to guaranty associations (WESTFALL) (REGULAR)
- Com. Sub. for S. B. 499 - Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees (ELLINGTON) (REGULAR) (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 510 - Designating hospitals for stroke treatment (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 522 - Relating generally to Administrative Procedures Act (SHOTT) (REGULAR)
- S. B. 545 - Relating to driving privileges and requirements for persons under 18 (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)

FIRST READING

- Com. Sub. for S. B. 36 - Relating generally to DNA testing (SHOTT) (REGULAR)
- Com. Sub. for S. B. 51 - Relating to domestic relations
- Com. Sub. for S. B. 116 - Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset (SHOTT) (REGULAR)
- Com. Sub. for S. B. 261 - Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund (NELSON) (JULY 1, 2018) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 273 - Reducing use of certain prescription drugs (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 282 - Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 297 - Eliminating taxation on annuity considerations collected by life insurer (NELSON) (REGULAR)
- S. B. 299 - Relating to mandatory insurance coverage for medical foods for amino acid-based formulas (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 347 - Relating to operation of motorboats (SHOTT) (REGULAR)
- Com. Sub. for S. B. 359 - Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 461 - Extending time to file petition for motor fuel excise tax refund (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 465 - Relating to mandated reporting of child abuse and neglect (SHOTT) (REGULAR)
- Com. Sub. for S. B. 475 - Industrial Hemp Development Act (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 479 - Establishing local government monitoring by Auditor (NELSON) (REGULAR)
- Com. Sub. for S. B. 500 - Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 543 - Relating to confidentiality of medical records (SHOTT) (REGULAR)
- Com. Sub. for S. B. 555 - Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities (SHOTT) (REGULAR)

- Com. Sub. for S. B. 574 - Relating to crime of misrepresentation of military honors (SHOTT) (REGULAR)
- Com. Sub. for S. B. 575 - Approving additional beds for intermediate care facilities (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 576 - Relating to Patient Injury Compensation Fund (NELSON) (REGULAR) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 582 - Allowing candidate for political party executive committee serve as election official (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 584 - Finding certain claims against state to be moral obligations of state (NELSON) (EFFECTIVE FROM PASSAGE) (FINANCE COMMITTEE AMENDMENT PENDING)
- Com. Sub. for S. B. 589 - Relating to issuance of personalized plates for antique motor vehicles (NELSON) (REGULAR)
- Com. Sub. for S. B. 590 - Providing special license plate for curing childhood cancer (NELSON) (REGULAR)
- Com. Sub. for S. B. 616 - Establishing maximum gross weight for certain wood-bearing trucks (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 626 - Relating generally to coal mining (SHOTT) (REGULAR) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- S. B. 631 - Relating generally to one-call system (SHOTT) (REGULAR)

HOUSE CALENDAR

Monday, March 5, 2018

55th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4235 - Permitting full-time nonresident students attending an in-state college or university to purchase lifetime resident hunting, trapping, and fishing licenses (NELSON) (REGULAR)
- Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

SECOND READING

- S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)
- H. B. 2114 - Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2383 - Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4158 - Relating to municipal home rule (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON) (REGULAR)
- Com. Sub. for H. B. 4563 - Relating to the severance tax on oil and gas produced from low producing wells (NELSON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4494 - Authorizing certain motor vehicle manufacturers to operate as new car dealers (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, MARCH 5, 2018

PUBLIC HEARING – COMMITTEE ON GOVERNMENT ORGANIZATION

8:00 A.M. – HOUSE CHAMBER

**COM. SUB. FOR S. B. 313, WAIVING OCCUPATIONAL FEES AND LICENSING
REQUIREMENTS FOR CERTAIN LOW-INCOME INDIVIDUALS, MILITARY FAMILIES,
AND YOUNG WORKERS.**

COMMITTEE ON GOVERNMENT ORGANIZATION

9:00 A.M. – ROOM 215E

COMMITTEE ON THE JUDICIARY

9:00 A.M. – ROOM 418M

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

TUESDAY, MARCH 6, 2018

PUBLIC HEARING – COMMITTEE ON THE JUDICIARY

8:30 A.M. – HOUSE CHAMBER

**COM. SUB. FOR S. B. 434, SPECIFYING DOCUMENTS NOT SUBJECT TO
DISCOVERY IN CERTAIN PROCEEDINGS.**

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