

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
FIFTY-THIRD DAY

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Charleston, West Virginia, Saturday, March 3, 2018

The Senate met at 9:50 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Friday, March 2, 2018,

At the request of Senator Palumbo, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 37**, Equalizing penalty for entering without breaking regardless of time of day.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 134**, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, section three, lines twenty-three and twenty-four, by striking out “§15-5-3(g)” and inserting in lieu thereof “§15-5-3(c)”.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 134, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 134) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 134) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 146**, Correcting technical error within Solid Waste Management Act.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Senate Bill 338**, Changing date for employers to file annual reconciliation and withholding statements.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

#### **ARTICLE 21. PERSONAL INCOME TAX.**

##### **§11-21-74. Filing of employer's withholding return and payment of withheld taxes; annual reconciliation; e-filing required for certain tax preparers and employer.**

(a) *General.* — ~~Every employer required to deduct and withhold tax under this article shall for each calendar quarter, on or before the last day of the month following the close of the calendar quarter, file a withholding return as prescribed by the Tax Commissioner and pay over to the Tax Commissioner the taxes required to be deducted and withheld. Where the average quarterly amount deducted and withheld by any employer is less than \$150 and the aggregate for the calendar year can reasonably be expected to be less than \$600, the Tax Commissioner may by rule permit an employer to file an annual return and pay over to the Tax Commissioner the taxes deducted and withheld on or before the last day of the month following the close of the calendar year. The Tax Commissioner may, by nonemergency legislative rules promulgated pursuant to article three, chapter twenty-nine-a of this code, change the minimum amounts established by this subsection. The Tax Commissioner may, if he or she determines necessary for the protection of the revenues, require any employer to make the return and pay to him or her the tax deducted and withheld at any time or from time to time. Notwithstanding the provisions of this subsection, after December 31, 2008, every employer required to deduct and withhold tax under this article shall file a withholding return as prescribed by the Tax Commissioner and pay over to the Tax Commissioner the taxes required to be deducted and withheld, in accordance with the procedures established by the Internal Revenue Service pursuant to Section 3402 of the Internal Revenue Code.~~

~~(b) *Monthly returns and payments of withheld tax after December 31, 2000.* —~~

~~Notwithstanding the provisions of subsection (a) of this section, after December 31, 2000, every employer required to deduct and withhold tax under this article shall, for each of the first eleven months of the calendar year, by the twentieth day of the succeeding month, and for the last calendar month of the year, by the last day of the succeeding month, file a withholding return as prescribed by the Tax Commissioner and pay over to the Tax Commissioner the taxes required to be deducted and withheld, if the withheld taxes aggregate \$ 250 or more for the month, except any employer with respect to whom the Tax Commissioner may have by rule provided otherwise in accordance with the provisions of subsection (a) of this section. Notwithstanding the provisions of this subsection, after December 31, 2008, every employer required to deduct and withhold tax under this article shall file a withholding return as prescribed by the Tax Commissioner and pay over to the Tax Commissioner the taxes required to be deducted and withheld. The due dates for returns and payments shall be established by the Tax Commissioner to match as closely as practicable the due dates in effect for federal income tax purposes, in accordance with the procedures established by the Internal Revenue Service pursuant to Section 3402 of the Internal Revenue Code except as otherwise provided in this section: *Provided, That not later than January 31, 2019, and January 31 of each year thereafter, employers and payers shall submit to the Tax Commissioner the annual reconciliation of West Virginia income tax withheld, together with state copies of all withholding tax statements reflecting West Virginia tax withholding, including, but not limited to, forms W-2, W-2G, and 1099, furnished to each employee or payee for the preceding calendar year, notwithstanding the fact that the employer or payer may have a calendar tax year ending on December 31 or a fiscal tax year ending on a date other than December 31.*~~

Notwithstanding the provisions of this section, where the average quarterly amount deducted and withheld by any employer is less than \$150 and the aggregate for the calendar year can reasonably be expected to be less than \$600, the Tax Commissioner may by rule permit an employer to file an annual return and pay over to the Tax Commissioner the taxes deducted and withheld on or before the last day of the month following the close of the calendar year.

~~(e) (b) Annual returns and payments of withheld tax of certain domestic and household employees. — Employers of domestic and household employees whose withholdings of federal income tax are annually paid and reported by the employer pursuant to the filing of Schedule H of federal form 1040, 1040A, 1040NR, 1040NR-EZ, 1040SS, or 1041 may shall, on or before January 31 next succeeding the end of the calendar year for which withholdings are deducted and withheld, file an annual withholding return with the Tax Commissioner, and annually remit to the Tax Commissioner, West Virginia personal income taxes deducted and withheld for the employees together with state copies of all withholding tax statements reflecting West Virginia tax withholding, including, but not limited to, forms W-2, W-2G, and 1099, furnished to each employee or payee for the preceding calendar year, notwithstanding the fact that the employer or payer may have a calendar tax year ending on December 31 or a fiscal tax year ending on a date other than December 31. The Tax Commissioner may promulgate legislative or other rules pursuant to §29A-3-1 et seq. of this code for implementation of this subsection. ~~Notwithstanding the provisions of this subsection, after December 31, 2008, every employer required to deduct and withhold tax under this article shall file a withholding return as prescribed by the Tax Commissioner and pay over to the Tax Commissioner the taxes required to be deducted and withheld. The due dates for annual returns and payments shall be established by the Tax Commissioner to match as closely as practicable the due dates in effect for federal income tax purposes, in accordance with the procedures established by the Internal Revenue Service pursuant to Section 3402 of the Internal Revenue Code~~~~

~~(d) (c) Deposit in trust for Tax Commissioner. — Whenever any employer fails to collect, truthfully account for, or pay over the tax, or to make returns of the tax as required in this section, the Tax Commissioner may serve a notice requiring the employer to collect the taxes which become collectible after service of the notice, to deposit the taxes in a bank approved by the Tax Commissioner, in a separate account, in trust for and payable to the Tax Commissioner and to keep the amount of the tax in the separate account until payment over to the Tax Commissioner. The notice remains in effect until a notice of cancellation is served by the Tax Commissioner.~~

~~(e) (d) Accelerated payment. —~~

~~(1) Notwithstanding the provisions of subsections (a) and (b) of this section, after June 30, 2014, every Every employer required to deduct and withhold tax whose average payment per calendar month for the preceding calendar year under subsection ~~(b)~~ (a) of this section exceeded \$100,000 shall remit the tax attributable to the first 15 days of June each year by June 23.~~

~~(2) For purposes of complying with subdivision (1) of this subsection, the employer shall remit an amount equal to the withholding tax due under this article on employee compensation subject to withholding tax payable or paid to employees for the first ~~fifteen~~ 15 days of June or, at the employer's election, the employer may remit an amount equal to ~~fifty~~ 50 percent of the employer's liability for withholding tax under this article on compensation payable or paid to employees for the preceding month of May.~~

~~(3) For an employer which has not been in business for a full calendar year, the total amount the employer was required to deduct and withhold under subsection ~~(b)~~ (a) of this section for the~~

prior calendar year shall be divided by the number of months, including fractions of a month, that it was in business during the prior calendar year and if that amount exceeds \$100,000, the employer shall remit the tax attributable to the first ~~fifteen~~ 15 days of June each year by June 23, as provided in subdivision (2) of this subsection.

(4) When an employer required to make an advanced payment of withholding tax under subdivision (1) of this subsection makes out its return for the month of June, which is due by July 20, that employer may claim as a credit against its liability under this article for tax on employee compensation paid or payable for employee services rendered during the month of June the amount of the advanced payment of tax made under subdivision (1) of this subsection.

~~(f) The amendments to this section enacted in the year 2006 are effective for tax years beginning after December 31, 2005~~

~~(g)~~ (e) An annual reconciliation of West Virginia personal income tax withheld shall be submitted by the employer by ~~February 28~~ January 31, following the close of the calendar year, together with Tax Division copies of all withholding tax statements for that preceding calendar year. The reconciliation shall be accompanied by a list of the amounts of income withheld for each employee in such form as the Tax Commissioner prescribes and shall be filed separately from the employer's monthly or quarterly return.

~~(h)~~ (f) Any employer required to file a withholding return for ~~two hundred fifty or more employees shall file its return using electronic filing as defined in section fifty-four of this article: Provided, That for any tax period beginning after December 31, 2010, any employer with 50 or more employees shall file its return using electronic filing as defined in section fifty-four~~ §11-21-54 of this article code: Provided, That for any tax period beginning after December 31, 2017, any employer that uses a payroll service or is required to file a withholding return for 25 or more employees shall file its return using electronic filing as defined in §11-21-54 of this code. An employer that is required to file electronically but does not do so is subject to a penalty in the amount of \$25 per employee for whom the return was not filed electronically, unless the employer shows that the failure is due to a technical inability to comply.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 338, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 338) passed with its title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 360**, Clarifying oil and gas permits not be on flat well royalty leases.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 364**, Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 415**, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.**

### **§29-22D-1. Short title.**

This article shall be known and may be cited as the West Virginia Lottery Sports Wagering Act.

### **§29-22D-2. State authorization of sports wagering at licensed racetrack facilities and historic resort hotel; legislative findings and declarations.**

(a) Operation of West Virginia lottery sports wagering. — Notwithstanding any provision of law to the contrary, the operation of sports wagering and ancillary activities are only lawful when conducted in accordance with the provisions of this article and rules of the commission.

#### (b) Legislative findings. —

(1) The Legislature finds that the operation of the four racetracks and the historic resort hotel in this state play a critical role in the economy of this state, and such constitutional lotteries are rightfully authorized as state enterprises consistent with the rights and powers granted to the states under the Tenth Amendment of the United States Constitution. The federal government is a government of limited and enumerated powers, and powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved for the states and its respective citizens.

(2) The Legislature finds that section 36, article VI of the Constitution of the State of West Virginia grants the state the exclusive right to lawfully own and operate a lottery in this state.

Authorization of wagering on any constitutional lottery within West Virginia is within the state's sovereign rights as a state to act in the best interest of its citizens.

(3) The Legislature finds that it is in the best interests of the State of West Virginia for the state to operate a lottery in the form of sports wagering and that it is the intent of the Legislature to authorize sports wagering when federal law is enacted or repealed, or a federal court decision is issued that permits a state to regulate sports wagering, as such power is reserved to the states.

(4) The Legislature finds that illegal sports wagering channels operating throughout the United States pose a critical threat to the safety and welfare of the citizens of West Virginia and that creating civil and criminal penalties to prosecute illegal operators, while transferring this black market demand into a secure and highly regulated environment, will protect the public and positively benefit state revenues and the state's economy.

(5) The Legislature finds that in order to protect residents of this state who wager on sports or other events and to capture revenues and create jobs generated from sports wagering, it is in the best interests of this state and its citizens to regulate this activity by authorizing and establishing a secure, responsible, fair, and legal system of sports wagering immediately, when the federal ban on sports wagering is lifted.

(6) The Legislature finds that the most effective and efficient manner in which the state can operate and regulate the forms of lottery authorized by the provisions of this article is to limit the number of authorized operators to those who are licensed, pursuant to the provisions of §29-22A-1 *et seq.* of this code, and to facilities licensed to operate video lottery terminals, pursuant to the provisions of §29-25-1 *et seq.* of this code.

(7) The Legislature finds that the granting of licenses pursuant to the provisions of this article, while maintaining all ownership rights and exercising control through strict regulation of all West Virginia Lottery sports wagering authorized by the provisions of this article, constitutes an appropriate exercise by the Legislature of the power granted it by the provisions of section 36, article VI of the Constitution of the State of West Virginia.

(8) The Legislature finds that the operation of West Virginia Lottery sports wagering at racetracks, licensed pursuant to the provisions of §29-22A-1 *et seq.* of this code, and at a historic resort hotel, licensed pursuant to the provisions of §29-25-1 *et seq.* of this code, serves to protect, preserve, promote, and enhance the tourism industry of the state as well as the general fiscal well-being of the state and its subdivisions.

### **§29-22D-3. Definitions.**

For the purposes of this article, the following terms have the meanings ascribed to them in this section:

(1) "Adjusted gross sports wagering receipts" means an operator's gross sports wagering receipts from West Virginia Lottery sports wagering, less winnings paid to wagerers in such games.

(2) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

(3) "Commission" or "State Lottery Commission" means the West Virginia Lottery Commission, created by §29-22-1 et seq. of this code.

(4) "Director" means the director of the West Virginia State Lottery Commission, appointed pursuant to §29-22-6 of this code.

(5) "Gaming equipment" or "sports wagering equipment" means any mechanical, electronic or other device, mechanism, or equipment, and related supplies used or consumed in the operation of West Virginia Lottery sports wagering at a licensed gaming facility including, but not limited to, a kiosk installed to accept sports wagers.

(6) "Gaming facility" means a designated area on the premises of an existing historic resort hotel, licensed under §29-25-1 et seq. of this code, to operate video lottery and table games or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 et seq. of this code.

(7) "Government" means any governmental unit of a national, state, or local body exercising governmental functions, other than the United States Government.

(8) "Gross sports wagering receipts" means the total gross receipts received by a licensed gaming facility from sports wagering.

(9) "License" means any license, applied for or issued by the commission under this article, including, but not limited to:

(A) A license to act as agent of the commission in operating West Virginia Lottery sports wagering at a licensed gaming facility ("Operator License" or "West Virginia Lottery sports wagering license");

(B) A license to supply a gaming facility, licensed under this article, to operate sports wagering with sports wagering equipment or services necessary for the operation of sports wagering ("Supplier License");

(C) A license to be employed at a racetrack or gaming facility, licensed under this article, to operate West Virginia Lottery sports wagering when the employee works in a designated gaming area that has sports wagering or performs duties in furtherance of or associated with the operation of sports wagering at the licensed gaming facility ("Occupational License"); or

(D) A license to provide management services under a contract to a gaming facility, licensed under this article, to operate sports wagering ("Management Services Provider License").

(10) "Licensed gaming facility" means a designated area on the premises of an existing historic resort hotel, pursuant to §29-25-1 et seq. of this code, or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 et seq. of this code, licensed under this article to conduct West Virginia Lottery sports wagering.

(11) "Lottery" means the public gaming systems or games regulated, controlled, owned, and operated by the State Lottery Commission in the manner provided by general law, as provided in this article, §29-22-1 et seq., §29-22A-1 et seq., §29-22B-1 et seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code.

(12) "National criminal history background check system" means the criminal history record system maintained by the Federal Bureau of Investigation, based on fingerprint identification or any other method of positive identification.

(13) "Operator" means a licensed gaming facility which has elected to operate a sports pool and other authorized West Virginia Lottery sports wagering activities;

(14) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event;

(15) "Sports event" or "sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, motor race event, or any other special event authorized by the commission under this article;

(16) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering;

(17) "Sports wagering account" means a financial record established by a licensed gaming facility for an individual patron in which the patron may deposit and withdraw funds for sports wagering and other authorized purchases, and to which the licensed gaming facility may credit winnings or other amounts due to that patron or authorized by that patron.

(18) "Sports Wagering Agreement" means a written agreement between the commission and one or more other governments whereby persons who are physically located in a signatory jurisdiction may participate in sports wagering conducted by one or more operators licensed by the signatory governments.

(19) "Sports Wagering Fund" means the special fund in the State Treasury, created in §29-22D-17 of this code.

(20) "Supplier" means a person that requires a supplier license to provide a sports wagering licensee with goods or services to be used in connection with operation of West Virginia Lottery sports wagering.

(21) "Wager" means a sum of money or thing of value risked on an uncertain occurrence.

(22) "West Virginia Lottery sports wagering" or "sports wagering" means the business of accepting wagers on sporting events and other events, the individual performance statistics of athletes in a sporting event or other events, or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms that utilize communications technology to accept wagers originating within this state. The term includes, but is not limited to, exchange wagering, parlays, over-under, moneyline, pools, and straight bets. The term does not include:

(A) Pari-mutuel betting on the outcome of horse or dog races, authorized by §19-23-12a and §19-23-12d of this code;

(B) Lottery games of the West Virginia state lottery, authorized by §29-22-1 et seq. of this code;

(C) Racetrack video lottery, authorized by §29-22A-1 et seq. of this code;

(D) Limited video lottery, authorized by §29-22B-1 et seq. of this code;

(E) Racetrack table games, authorized by §29-22C-1 et seq. of this code;

(F) Video lottery and table games, authorized by §29-25-1 et seq. of this code; and

(G) Daily Fantasy Sports (DFS).

(23) "West Virginia Lottery sports wagering license" means authorization granted under this article by the commission to a gaming facility that is already licensed under §29-22A-1 et seq. or §29-25-1 et seq. of this code, which permits the gaming facility as an agent of the commission to operate West Virginia Lottery sports wagering in one or more designated areas or in one or more buildings owned by the licensed gaming facility on the grounds where video lottery is conducted by the licensee or through any other authorized platform developed by the gaming facility. This term is synonymous with "operator's license."

#### **§29-22D-4. Commission duties and powers.**

(a) In addition to the duties set forth elsewhere in this article, §29-22-1 et seq., §29-22A-1 et seq., §29-22B-1 et seq., §29-22C-1 et seq. and §29-25-1 et seq. of this code, the commission shall have the authority to regulate sports pools and the conduct of sports wagering under this article.

(b) The commission shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework through promulgation of rules and regulations.

(c) The commission has the authority, pursuant to §29A-1-1, et seq. and §29A-3-1, et seq. of this code, to promulgate or otherwise enact any legislative, interpretive, and procedural rules the commission considers necessary for the successful implementation, administration, and enforcement of this article. Rules proposed by the commission before December 1, 2018, may be promulgated as emergency rules pursuant to §29A-3-15 of this code.

(1) Regulations promulgated by the commission may include, but are not limited to, those governing the acceptance of wagers on a sports event or a series of sports events; maximum wagers which may be accepted by an operator from any one patron on any one sports event; type of wagering tickets which may be used; method of issuing tickets; method of accounting to be used by operators; types of records which shall be kept; use of credit and checks by patrons; type of system for wagering; protections for patrons placing wagers; and promotion of social responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," in every designated area approved for sports wagering and on any mobile application or other digital platform used to place wagers.

(2) The commission shall establish minimum internal control standards (MICS) and approve minimum internal control standards proposed by licensed operators for administration of sports wagering operations, wagering equipment and systems, or other items used to conduct sports wagering, as well as maintenance of financial records and other required records.

(d) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses, and shall maintain a record of all licenses issued under this article. The commission may accept applications, evaluate qualifications of applicants, and undertake initial review of licenses prior to promulgation of emergency rules upon the effective date of this article.

(e) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross sports wagering receipts imposed by this article, and deposit all moneys into the Sports Wagering Fund, except as otherwise provided under this article.

(f) The commission may sue to enforce any provision of this article or any rule of the commission by civil action or petition for injunctive relief.

(g) The commission may hold hearings, administer oaths, and issue subpoenas or subpoenas duces tecum: *Provided*, That all hearings shall be conducted pursuant to the provisions of the State Administrative Procedures Act, §29A-2-1, *et seq.* of this code and the Lottery Administrative Appeal Procedures, W.Va. CSR §179-2-1, *et seq.*

(h) The commission may exercise any other powers necessary to effectuate the provisions of this article and the rules of the commission.

#### **§29-22D-5. Licenses required.**

(a) The commission shall not grant a license required under this article to any applicant until the commission has published the notice in the State Register, as required by §29-22D-15(f) of this code.

(b) No person may engage in any activity in connection with West Virginia Lottery sports wagering in this state unless all necessary licenses have been obtained in accordance with this article and rules of the commission. Four types of licenses: (1) Operator, (2) Supplier, (3) Management Services Provider, and (4) Occupational—are issued pursuant to this article, and no person or entity may engage in any sports wagering operation or activity without first obtaining the appropriate license.

(c) The commission may not grant a license until it determines that each person who has control of the applicant meets all qualifications for licensure. The following persons are considered to have control of an applicant:

(1) Each person associated with a corporate applicant, including any corporate holding company, parent company, or subsidiary company of the applicant who has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation; this does not include any bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;

(2) Each person associated with a non-corporate applicant who directly or indirectly holds a beneficial or proprietary interest in the applicant's business operation, or who the commission otherwise determines has the ability to control the applicant; and

(3) Key personnel of an applicant, including any executive, employee, or agent, having the power to exercise significant influence over decisions concerning any part of the applicant's business operation.

(d) License application requirements. – All applicants for any license issued under this article shall submit an application to the commission in the form the commission requires and submit fingerprints for a national criminal records check by the Criminal Identification Bureau of the West Virginia State Police and the Federal Bureau of Investigation. The fingerprints shall be furnished by all persons required to be named in the application and shall be accompanied by a signed authorization for the release of information by the Criminal Investigation Bureau and the Federal Bureau of Investigation. The commission may require additional background checks on licensees when they apply for annual license renewal, and any applicant convicted of any disqualifying offense shall not be licensed.

(e) Each sports wagering licensee, licensed supplier, or a licensed management services provider shall display the license conspicuously in its place of business or have the license available for inspection by any agent of the commission or any law-enforcement agency.

(f) Each holder of an occupational license shall carry the license and have some indicia of licensure prominently displayed on his or her person when present in a licensed gaming facility at all times, in accordance with the rules of the commission.

(g) Each person licensed under this article shall give the commission written notice within 30 days of any change to any information provided in the licensee's application for a license or renewal.

(h) No commission employee may be an applicant for any license issued under this article nor may any employee of any such licensee directly or indirectly hold an ownership or a financial interest in any West Virginia Lottery sports wagering license.

#### **§29-22D-6. Operator license; West Virginia Sports Wagering operators.**

(a) In addition to the casino games permitted pursuant to the provisions of §29-22A-1 et seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code, a licensed gaming facility may operate West Virginia Lottery sports wagering upon the approval of the commission, and the commission shall have the general responsibility for the implementation of this article and all other duties specified in §29-22-1 et seq., §29-22A-1 et seq., §29-22C-1 et seq., and §29-25-1 et seq. of this code, the provisions of this article, and applicable regulations.

(b) All sports wagering authorized by this article shall be West Virginia Lottery games owned by the State of West Virginia. An operator license granted by the commission pursuant to this article grants licensees lawful authority to conduct West Virginia Lottery sports wagering within the terms and conditions of the license and any regulations promulgated under this article.

(c) Sports wagering licenses. — The commission may issue up to five licenses to operate West Virginia Lottery sports wagering in accordance with the provisions of this article. No more than five licenses to operate a gaming facility with West Virginia Lottery sports wagering shall be permitted in this state.

(d) Grant of license. — Upon application by a gaming facility and payment of a \$100,000 application fee, the commission shall immediately grant a West Virginia Lottery sports wagering license to an operator that provides for the right to conduct West Virginia Lottery sports wagering: *Provided*, That the applicant must hold a valid racetrack video lottery license issued by the commission, pursuant to §29-22A-1 et seq. of this code, or a valid license to operate a gaming facility, issued by the commission pursuant to §29-25-1 et seq. of this code, and otherwise meet

the requirements for licensure under the provisions of this article and the rules of the commission. This license shall be issued for a five-year period, and may be renewed for five-year periods upon payment of a \$100,000 renewal fee, as long as an operator continues to meet all qualification requirements.

(e) Location. — A West Virginia Lottery sports wagering license authorizes the operation of West Virginia Lottery sports wagering at locations and through any mobile application or other digital platforms approved by the commission.

(f) Management service contracts. —

(1) Approval. — A West Virginia Lottery sports wagering licensee may not enter into any management service contract that would permit any person other than the licensee to act as the commission's agent in operating West Virginia Lottery sports wagering unless the management service contract: (A) is with a person licensed under this article to provide management services; (B) is in writing; and (C) has been approved by the commission.

(2) Material change. — The West Virginia Lottery sports wagering licensee shall submit any material change in a management service contract, previously approved by the commission, to the commission for its approval or rejection before the material change may take effect.

(3) Other commission approvals and licenses. — The duties and responsibilities of a management services provider under a management services contract may not be assigned, delegated, subcontracted, or transferred to a third party without the prior approval of the commission. Third parties must be licensed as a management services provider under this article before providing services.

(g) Expiration date and renewal. —

(1) A licensed operator shall submit to the commission such documentation or information as the commission may require demonstrating to the satisfaction of the director that the licensee continues to meet the requirements of the law and regulations. Required documentation or information shall be submitted no later than five years after issuance of an operator license and every five years thereafter, or within lesser periods based on circumstances specified by the commission.

(2) If the licensee fails to apply to renew its license issued pursuant to §29-22A-1 et seq. or §29-25-1 et seq. of this code prior to expiration, the commission shall renew its license under this article at the time the expired license is renewed as long as the licensee was operating in compliance with applicable requirements in the preceding license year.

(h) Surety bond. — A West Virginia Lottery sports wagering licensee shall execute a surety bond in an amount and in the form approved by the commission, to be given to the state, to guarantee the licensee faithfully makes all payments in accordance with the provisions of this article and rules promulgated by the commission.

(i) Audits. — Upon application for a license and annually thereafter, a West Virginia Lottery sports wagering licensee shall submit to the commission an annual audit of the financial transactions and condition of the licensee's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable federal and state laws.

(j) Commission office space. — A West Virginia Lottery sports wagering licensee shall provide suitable office space at the sports wagering facility, at no cost, for the commission to perform the duties required of it by this article and the rules of the commission.

(k) Facility qualifications. — A West Virginia Lottery sports wagering licensee shall demonstrate that its gaming facility with West Virginia Lottery sports wagering will: (1) be accessible to disabled individuals, in accordance with applicable federal and state laws; (2) be licensed in accordance with this article, and all other applicable federal, state, and local laws; and (3) meet any other qualifications specified in rules adopted by the commission. Notwithstanding any provision of this code or any rules promulgated by the Alcohol Beverage Control Commissioner to the contrary, vacation of the premises after service of beverages ceases is not required for any licensed gaming facility.

#### **§29-22D-7. Management services providers; license requirements.**

(a) License. — The holder of a license to operate West Virginia Lottery sports wagering may contract with an entity to conduct that operation in accordance with the regulations of the commission. That entity shall obtain a license as a management services provider prior to the execution of any such contract, and such license shall be issued pursuant to the provisions of this article and any regulations promulgated by the commission.

(b) License qualifications and fee. — Each applicant for a management services provider license shall meet all requirements for licensure and pay a nonrefundable license and application fee of \$1,000. The commission may adopt rules establishing additional requirements for an authorized management services provider. The commission may accept licensing by another jurisdiction, that it specifically determines to have similar licensing requirements, as evidence the applicant meets authorized management services provider licensing requirements.

(c) Renewal. — Management services provider licenses shall be renewed annually to any licensee who continues to be in compliance with all requirements and who pays the annual renewal fee of \$1,000.

(d) Any entity or individual who shares in revenue, including any affiliate operating under a revenue share agreement, shall be licensed under this section.

#### **§29-22D-8. Suppliers; license requirements.**

(a) Supplier License. —

(1) The commission may issue a supplier license to a person to sell or lease sports wagering equipment, systems, or other gaming items necessary to conduct sports wagering, and offer services related to such equipment or other gaming items to a West Virginia Lottery sports wagering licensee while the license is active. The commission may establish the conditions under which the commission may issue provisional licenses, pending completion of final action on an application.

(2) The commission may adopt rules establishing additional requirements for a West Virginia Lottery sports wagering supplier and any system or other equipment utilized for wagering. The commission may accept licensing by another jurisdiction, that it specifically determines to have similar licensing requirements, as evidence the applicant meets West Virginia Lottery sports wagering supplier licensing requirements.

(b) *Supplier specifications.* — An applicant for a supplier license shall demonstrate that the equipment, system, or services that the applicant plans to offer to the sports wagering licensee conform to standards established by the commission and applicable state law. The commission may accept approval by another jurisdiction, that it specifically determines have similar equipment standards, as evidence the applicant meets the standards established by the commission and applicable state law.

(c) *License application and renewal fees.* — Applicants shall pay to the commission a nonrefundable license and application fee in the amount of \$1,000. After the initial one-year term, the commission shall renew supplier licenses annually thereafter. Renewal of a supplier license will be granted to any renewal applicant who has continued to comply with all applicable statutory and regulatory requirements, upon submission of the commission issued renewal form and payment of a \$1,000 renewal fee.

(d) *Inventory.* — A licensed sports wagering supplier shall submit to the commission a list of all sports wagering equipment and services sold, delivered to, or offered to a West Virginia Lottery sports wagering licensee in this state, as required by the commission, all of which must be tested and approved by an independent testing laboratory approved by the commission. A sports wagering licensee may continue to use supplies acquired from a licensed sports wagering supplier, even if a supplier's license expires or is otherwise cancelled, unless the commission finds a defect in the supplies.

#### **§29-22D-9. Occupational Licenses.**

(a) All persons employed to be engaged directly in sports wagering-related activities, or otherwise conducting or operating sports wagering, shall be licensed by the Commission and maintain a valid occupational license at all times and the commission shall issue such license to be employed in the operation of sports wagering to a person who meets the requirements of this section.

(b) An occupational license to be employed by a gaming facility with West Virginia Lottery sports wagering permits the licensee to be employed in the capacity designated by the commission while the license is still active. The commission may establish, by rule, job classifications with different requirements to recognize the extent to which a particular job has the ability to impact the proper operation of West Virginia Lottery sports wagering.

(c) *Application and fee.* — Applicants shall submit any required application forms established by the commission and pay a nonrefundable application fee of \$100. The fee may be paid on behalf of an applicant, by the employer.

(d) *Renewal fee and form.* — Each licensed employee shall pay to the commission an annual license fee of \$100 by June 30 of each year. The fee may be paid on behalf of the licensed employee, by the employer. In addition to a renewal fee, each licensed employee shall annually submit a renewal application on the form required by the commission.

#### **§29-22D-10. License prohibitions.**

(a) The commission may not grant any license, pursuant to the provisions of this article, if evidence satisfactory to the commission exists that the applicant:

(1) Has knowingly made a false statement of a material fact to the commission;

(2) Has been suspended from operating a gambling game, gaming device, or gaming operation, or had a license revoked by any governmental authority responsible for regulation of gaming activities;

(3) Has been convicted of a crime of moral turpitude, a gambling-related offense, a theft or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order; or

(4) Is a company or individual who has been directly employed by any illegal or offshore book that serviced the United States, or otherwise accepted black market wagers from individuals located in the United States.

(b) The commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee, or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article.

(c) In the case of an applicant for a sports wagering license, the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if an applicant has not met the requirements of this section or any other provision of this article.

#### **§29-22D-11. Sports wagering house rules; posting of rules.**

(a) Each operator shall adopt comprehensive house rules for game play governing sports wagering transactions with its patrons. These comprehensive rules will be published as part of the minimum internal control standards. The rules shall specify the amounts to be paid on winning wagers and the effect of schedule changes. House rules shall be approved by the commission prior to implementation.

(b) The house rules, together with any other information the commission deems appropriate, shall be conspicuously displayed and included in the terms and conditions of the sports wagering system. Copies shall be made readily available to patrons.

(c) The commission shall license and require the display of West Virginia Lottery game logos on game surfaces, other gaming items, and any locations the commission considers appropriate.

#### **§29-22D-12. Operator duties; sports wagering operations at a licensed gaming facility.**

(a) General. — All operators licensed under this article to conduct West Virginia Lottery sports wagering shall:

(1) Employ a monitoring system utilizing software to identify non-normal irregularities in volume or odds swings which could signal suspicious activities that should require further investigation which shall be immediately reported and investigated by the commission. System requirements and specifications shall be developed according to industry standards and implemented by the commission as part of the minimum internal control standards.

(2) Promptly report to the commission any facts or circumstances related to the operation of a West Virginia Lottery sports wagering licensee which constitute a violation of state or federal law and immediately report any suspicious betting over a threshold set by the operator that has been approved by the commission to the appropriate state or federal authorities;

(3) Conduct all sports wagering activities and functions in a manner which does not pose a threat to the public health, safety, or welfare of the citizens of this state and does not adversely affect the security or integrity of the West Virginia Lottery;

(4) Hold the commission and this state harmless from and defend and pay for the defense of any and all claims which may be asserted against a licensee, the commission, the state, or employees thereof, arising from the licensee's actions or omission while acting as an agent of the commission operating West Virginia Lottery sports wagering pursuant to this article;

(5) Assist the commission in maximizing sports wagering revenues; and

(6) Keep current in all payments and obligations to the commission.

(b) Duties. — All West Virginia Lottery sports wagering licensees shall:

(1) Acquire West Virginia Lottery sports wagering gaming equipment by purchase, lease, or other assignment and provide a secure location for the placement, operation, and play of sports wagering gaming equipment;

(2) Prevent any person from tampering with or interfering with the operation of any West Virginia Lottery sports wagering;

(3) Ensure that West Virginia Lottery sports wagering conducted at a gaming facility is within the sight and control of designated employees of the licensee and such wagering at the facility or otherwise available by the licensee is conducted under continuous observation by security equipment in conformity with specifications and requirements of the commission;

(4) Ensure that West Virginia Lottery sports wagering occurs only in the specific locations within designated gaming areas approved by the commission or using a commission approved mobile application or other digital platform that utilizes communications technology to accept wagers originating within this state, or on a sports wagering device. West Virginia Lottery sports wagering shall only be relocated or offered in additional authorized manners in accordance with the rules of the commission;

(5) Maintain sufficient cash and other supplies to conduct sports wagering at all times; and

(6) Maintain daily records showing the gross sports wagering receipts and adjusted gross sports wagering receipts of the licensee from West Virginia Lottery sports wagering and shall timely file with the commission any additional reports required by rule or by other provisions of this code.

**§29-22D-13. Posting of betting limits.**

A sports wagering licensee shall conspicuously post a sign at each West Virginia Lottery sports wagering location indicating the minimum and maximum wagers permitted at that location and shall comply with the same.

**§29-22D-14. Sports wagering agreements with other governments.**

(a) On behalf of the State of West Virginia, the commission is authorized to:

(1) Enter into sports wagering agreements with other governments whereby persons who are physically located in a signatory jurisdiction may participate in sports wagering conducted by one or more operators licensed by the signatory governments; and

(2) Take all necessary actions to ensure that any sports wagering agreement entered into, pursuant to this section, becomes effective.

(b) The regulations adopted by the commission pursuant to this section may include provisions prescribing:

(1) The form, length, and terms of an agreement entered into by the commission and another government, including, but not limited to, provisions relating to how: taxes are to be treated by this state and another government; revenues are to be shared and distributed; and disputes with patrons are to be resolved;

(2) The information to be furnished to the commission by a government that proposes to enter into an agreement with this state pursuant to this section;

(3) The information to be furnished to the commission to enable the commission and director to carry out the purposes of this section;

(4) The manner and procedure for hearings conducted by the commission pursuant to this section, including any special rules or notices; and

(5) The information required to be furnished to the commission to support any recommendations made to the commission, pursuant to this section.

(c) The commission may not enter into any sports wagering agreement, pursuant to this section, unless the agreement includes provisions that:

(1) Account for the sharing of revenues by this state and another government;

(2) Permit the effective regulation of sports wagering by this state, including provisions relating to licensing of persons, technical standards, resolution of disputes by patrons, requirements for bankrolls, enforcement, accounting, and maintenance of records;

(3) Require each government that is a signatory to the agreement to prohibit operators of sports wagering, management or other service providers, or suppliers, manufacturers or distributors of sports wagering systems from engaging in any activity permitted by the sports wagering agreement unless they are licensed in this state or in a signatory jurisdiction with similar requirements approved by the commission;

(4) No variation from the requirements of the sports wagering agreement is permitted for any signatory government without a lack of opposition by this state and all signatory governments;

(5) Prohibit any subordinate or side agreements among any subset of governments that are signatories to the agreement unless it relates exclusively to the sharing of revenues; and

(6) Require the government to establish and maintain regulatory requirements governing sports wagering that are consistent with the requirements of this state in all material respects if the sports wagering agreement allows persons physically located in this state to participate in sports wagering conducted by another government or an operator licensed by another government.

**§29-22D-15. Authorization of sports wagering in this state; requirements.**

(a) An operator shall accept wagers on sports events and other events authorized under this article from persons physically present in a licensed gaming facility where authorized sports wagering occurs, or from persons not physically present who wager by means of electronic devices. A person placing a wager shall be at least 21 years of age.

(b) An operator may accept wagers from an individual physically located within this state using a mobile or other digital platform or a sports wagering device, approved by the commission, through the patron's sports wagering account.

(c) An operator may accept wagers from an individual physically located in a state or jurisdiction with which the commission has entered into a sports wagering agreement using a mobile or other digital platform or a sports wagering device through the patron's sports wagering account, so long as the device or platform is approved by the commission and all other requirements of the agreement are satisfied.

(d) The commission or operator may ban any person from entering a gaming area of a gaming facility conducting sports wagering or the grounds of a gaming facility licensed under this article or from participating in the play or operation of any West Virginia Lottery sports wagering. A log of all excluded players shall be kept by the commission and each licensee, and no player on the commission's exclusion list or the licensed operator's exclusion list shall wager on any West Virginia Lottery sports wagering under this article.

(e) The commission shall promulgate regulations implementing the provisions of subsection (a) of this section by interpretive rule and minimum internal control standards.

(f) The commission shall, when a Federal law is enacted or repealed or when a Federal court decision is issued that permits a state to regulate sports wagering, publish a notice in the State Register notifying the public of the enactment or repeal of federal law or of the issuance of such court decision. The commission shall not be authorized to conduct sports wagering in this state until the notice prescribed in this subsection is published in the State Register.

(g) No licensed gaming facility employee may place a wager on any sports wagering at the employer's facility or through any other mobile application or digital platform of their employer.

(h) No commission employee may knowingly wager or be paid any prize from any wager placed at any licensed gaming facility with West Virginia Lottery sports wagering within this state

or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a sports wagering licensee.

**§29-22D-16. Sports wagering revenues; accounting for the state's share of revenue imposed for the privilege of offering West Virginia Lottery sports wagering; limitation of other taxes; recoupment for improvements.**

(a) Imposition and rate of assessment. — For the privilege of holding a license to operate sports wagering under this article, the state shall impose and collect ten percent of the licensee's adjusted gross sports wagering receipts from the operation of West Virginia Lottery sports wagering (hereinafter "privilege tax" or "tax"). The accrual method of accounting shall be used for purposes of calculating the amount of the tax owed by the licensee.

(b) Operator revenue reports and payment of privilege tax. —

(1) The tax levied and collected pursuant to subsection (a) of this section is due and payable to the commission in weekly installments on or before the Wednesday following the calendar week in which the adjusted gross sports wagering receipts were received and the tax obligation was accrued.

(2) The licensed operator shall complete and submit the return for the preceding week by electronic communication to the commission, on or before Wednesday of each week, in the form prescribed by the commission that provides:

(A) The total gross sports wagering receipts and adjusted gross sports wagering receipts from operation of West Virginia Lottery sports wagering during that week;

(B) The tax amount for which the sports wagering licensee is liable; and

(C) Any additional information necessary in the computation and collection of the tax on adjusted gross sports wagering receipts required by the commission.

(3) The tax amount shown to be due shall be remitted by electronic funds transfer simultaneously with the filing of the return. All moneys received by the commission pursuant to this section shall be deposited in the Sports Wagering Fund in accordance with the provisions of this article.

(4) When adjusted gross receipts for a week is a negative number because the winnings paid to patrons wagering on the licensee's West Virginia Lottery sports wagering exceeds the licensee's total gross receipts from sports wagering by patrons, the commission shall allow the licensee to carry over the negative amount to returns filed for subsequent weeks. The negative amount of adjusted gross receipts may not be carried back to an earlier week and moneys previously received by the commission will not be refunded, except if the licensee surrenders its operator's license and the licensee's last return reported negative adjusted gross receipts. In that case, the commission shall multiply the amount of negative adjusted gross receipts by 10 percent and pay the amount to the licensee in the manner approved by the commission.

(c) Privilege tax obligation imposed by this section is in lieu of other taxes. —

With the exception of the ad valorem property tax collected under chapter eleven-a of this code, the privilege tax on adjusted gross sports wagering receipts imposed by this section is in

lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from operation of West Virginia Lottery sports wagering, except as otherwise provided in this section. The Consumers Sales and Services Tax imposed pursuant to §11-15-1 et seq. of this code, the Use Tax imposed by §11-15A-1 et seq. of this code and any similar local tax imposed at the municipal or county level, shall not apply to the licensee's gross receipts from any West Virginia Lottery sports wagering or to the licensee's purchase of sports wagering equipment, supplies, or services directly used in operation of the sports wagering authorized by this article.

(d) Acquisition of any system or wagering equipment and other items related to the operation of West Virginia sports wagering shall be considered "facility modernization improvements" eligible for recoupment as defined in §29-22A-10(b)(2) and §29-25-22(c) of this code.

(e) Prohibition on credits. — Notwithstanding any other provision of this code to the contrary, no credit may be allowed against the privilege tax obligation imposed by this section or against any other tax imposed by any other provision of this code for any investment in gaming equipment or for any investment in or improvement to real property that is used in the operation of West Virginia Lottery sports wagering.

#### **§29-22D-17. West Virginia Lottery Sports Wagering Fund; distribution of funds.**

(a) The special fund in the State Treasury known as the West Virginia Lottery Sports Wagering Fund is hereby created and all moneys collected under this article by the commission shall be deposited with the State Treasurer to the West Virginia Lottery Sports Wagering Fund. The fund shall be an interest-bearing account with all interest or other return earned on the money of the fund credited to and deposited in the fund. All expenses of the commission incurred in the administration and enforcement of this article shall be paid from the Sports Wagering Fund pursuant to subsection (b) of this section.

(b) The commission shall deduct an amount sufficient to reimburse its actual costs and expenses incurred in administering sports wagering at licensed gaming facilities from the gross deposits into the Sports Wagering Fund. The amount remaining after the deduction for administrative expenses is the net profit.

(1) Administrative allowance. — The commission shall retain up to 15 percent of gross deposits for the fund operation and its administrative expenses: *Provided*, That in the event that the percentage allotted for operations and administration generates a surplus, the surplus shall be allowed to accumulate but may not exceed \$250,000. On a monthly basis, the director shall report any surplus in excess of \$250,000 to the Joint Committee on Government and Finance and remit the entire amount of those surplus funds in excess of \$250,000 to the State Treasurer which shall be allocated as net profit.

(2) Distribution of net profit. — In each fiscal year, net profit shall be deposited into the State Lottery Fund created by §29-22-18 of this code until a total of \$15 million is deposited; thereafter, the remainder shall be deposited into the Public Employees Insurance Agency Financial Stability Fund to stabilize and preserve the future solvency of PEIA, and such amount may not be included in the calculation of any plan year aggregate premium cost-sharing percentages between employers and employees.

#### **§29-22D-18. Law enforcement.**

(a) Notwithstanding any provision of this code to the contrary, the commission shall, by contract or cooperative agreement with the West Virginia State Police, arrange for those law-enforcement services uniquely related to gaming, as such occurs at facilities of the type authorized by this article, that are necessary to enforce the provisions of this article that are not subject to federal jurisdiction: *Provided*, That the State Police shall only have exclusive jurisdiction over offenses committed on the grounds of a licensed gaming facility that are offenses relating to gaming.

**§29-22D-19. Civil penalties.**

(a) The commission may impose, on any person who violates the provisions of this article, a civil penalty not to exceed \$50,000 for each violation. Such penalty shall be imposed on all individuals and is not limited to individuals licensed under this article. This provision shall not be construed as applicable to office pools.

(b) The provisions of §29A-5-1 *et seq.* of this code apply to any civil penalty imposed pursuant to the provisions of this section.

**§29-22D-20. Crimes and penalties related to unauthorized sports wagering operations.**

(a) Any person, other than a licensee under this article, who engages in accepting, facilitating, or operating a sports wagering operation is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or confined in jail for not more than ninety days, or both fined and confined.

(b) Notwithstanding the penalty provisions of subsection (a) of this section, any person convicted of a second violation of subsection (a) is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$50,000, or confined in jail for not more than 6 months, or both fined and confined.

(c) Notwithstanding the penalty provisions of subsections (a) or (b) of this section, any person convicted of a third or subsequent violation of said subsection (a) is guilty of a felony, and upon conviction thereof, shall be fined not less than \$25,000 nor more than \$100,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and confined.

**§29-22D-21. Crimes and penalties related to authorized sports wagering operation.**

(a) A sports wagering licensee is guilty of unlawful operation and is guilty of a misdemeanor when:

(1) The licensee operates West Virginia Lottery sports wagering without authority of the commission to do so;

(2) The licensee operates West Virginia Lottery sports wagering in any location or by any manner that is not approved by the commission;

(3) The licensee knowingly conducts, carries on, operates, or allows any sports wagering to occur on premises or through any other device if equipment or material has been tampered with, or exposed to conditions in which it will be operated in a manner designed to deceive the public;

(4) The licensee employs an individual who does not hold a valid occupational license in a position for which a license is required or otherwise allows an individual to perform duties for which such license is required or continues to employ an individual after the employee's occupational license is no longer valid;

(5) The licensee acts or employs another person to act as if he or she is not an agent or employee of the licensee in order to encourage participation in West Virginia Lottery sports wagering at the licensed gaming facility;

(6) The licensee knowingly permits an individual under the age of 21 to enter or remain in a designated gaming area or to engage in sports wagering at a licensed gaming facility; or

(7) The licensee exchanges tokens, chips, electronic media, or other forms of credit used for wagering for anything of value except money or credits applied to a sports wagering account at a gaming facility authorized under this article.

(b) A person is guilty of a felony when:

(1) A person offers, promises, or gives anything of value to anyone for the purpose of influencing the outcome of a race, sporting event, contest, or game upon which a wager may be made, or a person places, increases, or decreases a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised, or given anything of value for the purpose of influencing the outcome of the race, sporting event, contest, or game upon which the wager is placed, increased or decreased, or attempts to do any of the same;

(2) A person changes or alters the normal outcome of any game played on a mobile or other digital platform, including any interactive gaming system used to monitor the same or the way in which the outcome is reported to any participant in the game;

(3) The person manufactures, sells, or distributes any device that is intended by that person to be used to violate any provision of this article or the sports wagering laws of any other state;

(4) The person places a bet or aids any other individual in placing a bet on a sporting event or other sports wagering game or offering authorized under this article after unlawfully acquiring knowledge of the outcome on which winnings from that bet are contingent;

(5) The person claims, collects, or takes anything of value from a gaming facility with West Virginia Lottery sports wagering with intent to defraud or attempts such action without having made a wager in which such amount or value is legitimately won or owed;

(6) The person knowingly places a wager using counterfeit currency or other counterfeit form of credit for wagering at a gaming facility with West Virginia Lottery sports wagering; or

(7) The person, not a licensed gaming facility under this article or an employee or agent of a gaming facility licensed under this article acting in furtherance of the licensee's interest, has in his or her possession on grounds owned by the gaming facility licensed under this article or on grounds contiguous to the licensed gaming facility, any device intended to be used to violate a provision of this article or any rule of the commission.

(c) Any person who violates any provision of subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail

for not more than six months, or both fined and confined, except any violation that is not committed by a natural person may result in a fine of not more than \$25,000.

(d) Any person who violates any provision of subsection (b) of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or confined in a state correctional facility for not less than one year nor more than five years, or both fined and confined.

(e) With regard to subsection (b) of this section, each West Virginia sports wagering licensee shall post notice of the prohibitions and penalties of this section in a manner determined by the rules of the commission.

#### **§29-22D-22. Preemption.**

No local law or rule providing any penalty, disability, restriction, regulation, or prohibition for operating a gaming facility with West Virginia Lottery sports wagering or supplying a licensed gaming facility may be enacted, and the provisions of this article preempt all regulations, rules, ordinances, and laws of any county or municipality in conflict with this article.

#### **§29-22D-23. Exemption from federal law.**

Pursuant to Section 2 of Chapter 1194, 64 Stat. 1134, 15 U.S.C. §1172, approved January 2, 1951, the State of West Virginia, acting by and through duly elected and qualified members of the Legislature, does declare and proclaim that the state is exempt from chapter 1194, 64 Stat. 1134, 15 U.S.C. §1171 to §1178.

#### **§29-22D-24. Shipment of gambling devices.**

All shipments of gambling devices including any sports wagering devices or related materials to licensed gaming facilities in this state are legal shipments of gambling devices into the State of West Virginia, as long as the registering, recording, and labeling of which have been completed by the supplier thereof in accordance with Chapter 1194, 64 Stat. 1134, 15 U.S.C. §1171 to §1178.;

And,

By striking out the title and substituting therefore a new title, to read as follows:

**Eng. Com. Sub for Senate Bill 415**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22D-1, §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-5, §29-22D-6, §29-22D-7, §29-22D-8, §29-22D-9, §29-22D-10, §29-22D-11, §29-22D-12, §29-22D-13, §29-22D-14, §29-22D-15, §29-22D-16, §29-22D-17, §29-22D-18, §29-22D-19, §29-22D-20, §29-22D-21, §29-22D-22, §29-22D-23, and §29-22D-24, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities, after a federal law against such wagering is no longer in effect; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; requiring Commission to levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross sports wagering receipts and deposit them into the West Virginia Lottery Sports Wagering Fund; limiting sports wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to

be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting sports wagering; requiring the posting of betting limits; authorizing sports wagering agreements with other governments; providing powers and duties of Commission and operators; limiting certain activities of employees; authorizing the West Virginia Lottery to levy and collect a privilege tax in the amount of ten percent of adjusted gross sports wagering receipts; requiring reports and submission of taxes; providing for certain carry over and carry back allowances; clarifying that tax is in lieu of certain other taxes; providing that certain expenditures related to sports wagering are facility modernization improvements eligible for recoupment; providing that credits are not allowed against the privilege tax; creating the West Virginia Lottery Sports Wagering Fund; authorizing the West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; providing for distribution of moneys deposited in the West Virginia Lottery Sports Wagering Fund; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations, and exception; prohibiting unauthorized sports wagering in this state; establishing crimes related to unauthorized sports wagering and imposing criminal penalties; establishing crimes related to authorized sports wagering and imposing criminal penalties; preempting provisions from state and local law; and establishing certain exemptions from federal law.

Senator Ferns moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Ferns aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 415, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Jeffries, Karnes, Mann, Maroney, Palumbo, Plymale, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—24.

The nays were: Azinger, Beach, Facemire, Gaunch, Maynard, Ojeda, Prezioso, Romano, Smith, and Sypolt—10.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 415) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Jeffries, Karnes, Mann, Maroney, Palumbo, Plymale, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—24.

The nays were: Azinger, Beach, Facemire, Gaunch, Maynard, Ojeda, Prezioso, Romano, Smith, and Sypolt—10.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 415) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 444**, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 464**, Changing statutory payment date for incremental salary increases due state employees.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 4013**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hanshaw, Moore and Lovejoy.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 4138**, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

**Eng. Com. Sub. for House Bill 4199**, Permitting a nursing home to use trained individuals to administer medication.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

**House Concurrent Resolution 87**—Requesting the Division of Highways name bridge number 28-77-13.73 NB - SB (28A203, 28A204), locally known as I-77 Over Mercer 7 Bridges, carrying I-77 NB - SB over Route 7 in Mercer County, West Virginia, the “Constable Joseph H. Davidson Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Maynard, 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 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.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*

Roger Hanshaw,  
*Chair, House Committee.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4016**, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency.

And has amended same.

And,

**Eng. Com. Sub. for House Bill 4042**, Redefining school zone to facilitate placement of school zone signs.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care.

With amendments from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Karnes, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill 4183**, Relating generally to standardized testing requirements for nonpublic schools.

And has amended same.

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

Respectfully submitted,

Robert Karnes,  
*Vice Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4275**, Relating to the law-enforcement authority of the director and officers of the division of protective services.

**Eng. Com. Sub. for House Bill 4400**, Relating to the West Virginia Physicians Mutual Insurance Company.

And,

**Eng. Com. Sub. for House Bill 4546**, Relating to where an application for a marriage license may be made.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

Senators Carmichael (Mr. President), Plymale, and Stollings offered the following resolution:

**Senate Concurrent Resolution 48**—Requesting the Division of Highways name bridge number 20-77-130.80, NB and SB, (18A157, 18A156), carrying Interstate 77 over County Route 21/28, locally known as CR 21/28 Overpass Bridge in Jackson County, the “U. S. Army MSG Monty Ray Skeen, Sr., Memorial Bridge”.

Whereas, MSG Monty Ray Skeen, Sr., was born on June 23, 1957, the son of Barbara Jean Scott and Charles Wayne Skeen; and

Whereas, MSG Monty Ray Skeen, Sr., married Regina Mae Skeen and had two children: Monty Ray Skeen, Jr and Shery Ann Zimmermann, and lived in Jackson County; and

Whereas, MSG Monty Ray Skeen, Sr., joined the U. S. Army in 1976 and began serving his country. He attained the rank of Master Sergeant after 20 years of service, including Desert Storm and the Gulf War. While serving, he was awarded the following medals: Two Meritorious Service Medals; four Army Commendation Medals, Southwest Asia Service Medal; three Overseas Service Ribbon, Expert Badge M-16 Rifle; and many others; and

Whereas, In 1997, MSG Monty Ray Skeen, Sr., retired from the Army and worked as a shift supervisor for Rite Aid Distribution Center in Poca, West Virginia, where he worked for 20 years; and

Whereas, MSG Monty Ray Skeen, Sr., passed away suddenly due to onset complications of acute myeloid leukemia on November 4, 2016, at Charleston Area Medical Center, Memorial Hospital; and his family still misses him immensely; and

Whereas, It is fitting that an enduring memorial be established to commemorate MSG Monty Ray Skeen’s service to his state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-77-130.80, NB and SB, (18A157, 18A156), carrying Interstate 77 over County Route 21/28, locally known as CR 21/28 Overpass Bridge in Jackson County, the “U. S. Army MSG Monty Ray Skeen, Sr., Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army MSG Monty Ray Skeen, Sr., Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Stollings, and Plymale offered the following resolution:

**Senate Concurrent Resolution 49**—Requesting the Division of Highways name bridge number 22-77-103.66, NB and SB, (20A442, 25A443), locally known as I-77 Surface Drive Overpass, carrying Interstate 77 over Surface Drive CR 119/37 in Kanawha County, the “U. S. Army PFC Robert “Bobby” Tate, Jr., Memorial Bridge”.

Whereas, Robert “Bobby” Tate, Jr., was born in Charleston, West Virginia, on February 22, 1949, and was a lifelong resident of the Kanawha Two-Mile area, from a family that has lived in Kanawha County for more than 100 years; and

Whereas, Robert “Bobby” Tate, Jr., attended Bonham Elementary School, Woodrow Wilson Junior High School, and Sissonville High School and was always known as a hard-working young man. When he was not in school, he helped to support his family by working as a stock boy at Pickway Grocery; and

Whereas, Robert “Bobby” Tate, Jr., joined the U. S. Army and began a tour of duty in Vietnam in January 1969 as an Indirect Fire Infantryman in the 196th Infantry Brigade; and

Whereas, PFC Robert “Bobby” Tate, Jr., died in the line of duty due to hostile groundfire on March 20, 1969, and was posthumously recognized with the Purple Heart medal; and

Whereas, PFC Robert “Bobby” Tate, Jr., has been interred in the Lane Cemetery at Eden’s Fork in Kanawha County; and

Whereas, It is fitting that a permanent memorial be established to honor the service and sacrifice of PFC Robert “Bobby” Tate, Jr.; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 22-77-103.66, NB and SB, (20A442, 25A443), locally known as I-77 Surface Drive Overpass, carrying Interstate 77 over Surface Drive CR 119/37 in Kanawha County, the “U. S. Army PFC Robert “Bobby” Tate, Jr., Memorial Bridge”; and be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Robert “Bobby” Tate, Jr., Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Prezioso moved that Senator Prezioso’s motion that **Engrossed Committee Substitute for House Bill 4145** (*Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel*) be discharged from the Committee on Finance be taken from the table, having been laid on the table by Senate action on yesterday, Friday, March 2, 2018.

Senator Ferns then moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the adoption of Senator Prezioso's motion that Engrossed Committee Substitute for House Bill 4145 be discharged from the Committee on Finance be taken from the table.

Following a point of inquiry to the President, with resultant response thereto,

The question now being on the adoption of Senator Prezioso's aforesaid motion, and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Baldwin, Beach, Facemire, Jeffries, Mann, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Prezioso's aforesaid motion had not prevailed.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Karnes, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Concurrent Resolution 50** (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance study establishing a requirement that the Department of Education, or county board, as applicable, provide free feminine hygiene products to female students in grades 5 through 12.

Whereas, According to data from the United States Census Bureau's 2015 American Community Survey, West Virginia ranked eighth in child poverty; and

Whereas, Impoverished female students may not have access to feminine hygiene products at home; and

Whereas, All female students deserve dignity and the right to learn without the worry of their menstrual cycle making them feel ashamed or preventing them from attending class; and

Whereas, West Virginia is dedicated to the success of all students, no matter their socioeconomic status or sex; and

Whereas, An environment for student success is promoted when students are comfortable, unashamed, and present in the classroom; and

Whereas, Senate Bill 599, introduced during the 2018 regular session of the Legislature, established a requirement that the Department of Education, or county board, provide feminine hygiene products to female students at no cost; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study establishing a requirement that the Department of Education, or county board, as applicable, provide free feminine hygiene products to female students in grades 5 through 12.

*Further Resolved,* That the study shall determine the feasibility of establishing the requirement and options for funding the distribution of feminine hygiene products to female students; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2019, 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.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Robert Karnes,  
*Vice Chair.*

On motion of Senator Karnes, the resolution (S. C. R. 50) contained in the foregoing report from the Committee on Education was then referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for House Bill 2607,** Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2607) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2607**—A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a

judge may impose for certain, first-time probationary violations from 60 days to six months; and providing judges greater sentencing discretion for certain violations of probation.

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

**Eng. Com. Sub. for House Bill 2654**, Expanding county commissions' ability to dispose of county or district property.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2654) passed with its title.

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

**Eng. Com. Sub. for House Bill 2693**, Relating to state ownership of wildlife.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2693) passed with its title.

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

**Eng. Com. Sub. for House Bill 2983**, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard,

Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2983) passed with its title.

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

**Eng. Com. Sub. for House Bill 3005**, Relating to regulation of unmanned aircraft systems.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3005) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 3005**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1 and §61-14-2, all relating to regulation of unmanned aircraft systems; defining terms; creating misdemeanor criminal offense for certain conduct using an unmanned aircraft system and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system equipped with a lethal weapon, creating an exception thereto for military purposes in an official capacity; and setting penalties therefor; creating felony criminal offense for operating an unmanned aircraft system with the intent to cause damage or disrupt in any way the flight of a manned aircraft and setting penalties therefor; and creating an exception for operating an unmanned aircraft system for commercial purposes that is authorized by the Federal Aviation Administration in a manner that is consistent with federal law.

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

**Eng. Com. Sub. for House Bill 4180**, Relating to wildlife resources.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard,

Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4180) passed with its title.

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

**Eng. Com. Sub. for House Bill 4186**, Relating generally to guaranteed asset protection waivers.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he serves as director of a community bank which, on occasion, sells gap asset protection waivers.

The Chair replied that any impact on Senator Trump would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Ojeda, Prezioso, and Romano—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4186) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4186**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, purpose, legislative intent, and applicability of section; providing that guaranteed asset protection waivers are not insurance and are exempt from the insurance laws of this state; providing further exemptions; defining certain terms; providing requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; requiring certain disclosures; providing for cancellation or non-cancellation; specifying requirements upon cancellation in certain circumstances; and exempting certain requirements in commercial transactions.

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

**Eng. House Bill 4219**, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 4230**, Relating to credit for reinsurance.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4230) passed with its title.

Senator Ferns moved that the bill take effect January 1, 2019.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4230) takes effect January 1, 2019.

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

**Eng. Com. Sub. for House Bill 4236**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4236) passed with its title.

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

**Eng. Com. Sub. for House Bill 4268**, Co-tenancy Modernization and Majority Protection Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

Senator Woelfel moved the previous question.

Senator Woelfel requested unanimous consent that his foregoing motion be withdrawn.

Senator Smith objecting.

The Chair stated that, under Rule XVI, Clause 2, of the Rules of the House of Representatives, the Senator is allowed to withdraw his motion.

Whereupon, Senator Woelfel's motion for the previous question was withdrawn.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4268 pass?"

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Swope, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—23.

The nays were: Baldwin, Beach, Facemire, Jeffries, Mann, Ojeda, Prezioso, Romano, Stollings, Sypolt, and Unger—11.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4268) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill. 4268**—A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, to amend and reenact §37-7-2 of said code; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3,

§37B-1-4, §37B-1-5, §37B-1-6, §37B-1-7, §37B-2-1, §37B-2-2, §37B-2-3, §37B-2-4, §37B-2-5, §37B-2-6, §37B-2-7, §37B-2-8, and §37B-2-9, all relating generally to real property; providing the Oil and Gas Conservation Commission enforcement authority for certain mineral development by cotenants; providing an exception to waste and trespass for certain oil or natural gas developments; providing a short title; providing declarations of public policy and legislative findings; providing definitions; providing that, in cases where there are seven or more royalty owners, consent for the lawful use and development of oil or natural gas mineral property by the persons owning an undivided three fourths of the royalty interests, as defined, in an oil or natural gas mineral property is permissible, is not waste, and is not trespass; providing that nonconsenting cotenants may elect a production royalty interest or a working interest share of production; providing an election period and default elections; providing a certain right of appeal; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund administered by the State Treasurer; providing methods for determination of leasehold and contractual terms; providing for the development of specifically targeted stratigraphic formations; providing the Oil and Gas Conservation Commission rule-making authority; providing a mechanism for surface owners to acquire title to certain severed oil and gas interests; providing limitations of liability for certain nonconsenting cotenants and unknown or unlocatable interest owners; prohibiting surface use or disturbance in certain circumstances; preserving common law rights; providing for severability of provisions; providing a short title; providing that the article shall be read in conjunction and not in conflict with the West Virginia Uniform Unclaimed Property Act; providing definitions; providing for quarterly reporting and remittance of each reserved interest for each unknown or unlocatable interest owner to the State Treasurer; providing reporting requirements and administrative duties; creating a fund known as the Unknown and Unlocatable Interest Owners Fund, to be administered by the State Treasurer; permitting investment of moneys in the fund with the West Virginia Board of Treasury Investments; requiring payment of lawful claims of unknown and unlocatable interest owners; permitting deduction of certain expenses; requiring that certain funds be transferred to the Oil and Gas Reclamation Fund and the Public Employees Insurance Agency Stability Fund in equal amounts; providing for certain notice requirements; providing for the crediting of certain amounts to each owner's account and payment of certain interest earned; providing for rule-making authority; providing for severability of provisions; and providing an effective date.

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

**Eng. Com. Sub. for House Bill 4289**, Relating to disability pensions of municipal employees.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4289) passed with its title.

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

**Eng. Com. Sub. for House Bill 4343**, Relating to the delivery of financial statements to bank shareholders.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he serves as director of a community bank which sends annual audited financial statements to its shareholders.

The Chair replied that any impact on Senator Trump would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4343) passed with its title.

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

**Eng. Com. Sub. for House Bill 4347**, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4347) passed with its title.

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

**Eng. House Bill 4402**, Relating to the prevention of sexual abuse of children.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4402) passed with its title.

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

**Eng. House Bill 4410**, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Gaunch—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4410) passed with its title.

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

**Eng. House Bill 4422**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4422) passed with its title.

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

**Eng. House Bill 4433**, Declaring certain claims against an agency of the state to be moral obligations of the state.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4433) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4433) takes effect from passage.

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

**Eng. House Bill 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

(Senator Ferns in the Chair.)

The question being "Shall Engrossed House Bill 4436 pass?"

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Woelfel—33.

The nays were: None.

Absent: Carmichael (Mr. President)—1.

So, a majority of all the members present and voting having voted in the affirmative, Senator Ferns declared the bill (Eng. H. B. 4436) passed with its title.

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

**Eng. Com. Sub. for House Bill 4444**, Clarifying the authority of the State Fire Commission in adopting a State Building Code.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

(Senator Carmichael, Mr. President, in the Chair.)

The question being “Shall Engrossed Committee Substitute for House Bill 4444 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Sypolt—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4444) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4444**—A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission; modifying requirement that State Fire Commission propose certain building energy codes; and making stylistic and technical changes.

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

**Eng. Com. Sub. for House Bill 4473**, Relating to use of state funds for advertising to promote a public official or government office.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4473 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4473) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill No. 4473**—A Bill to amend and reenact §6B-2B-1, §6B-2B-2 §6B-2B-3 and §6B-2B-4 of the Code of West Virginia, 1931, as amended, all relating to the use of a public official's name or likeness on items or in materials produced using public funds; defining terms; providing that a public official's name or likeness may be included in certain educational materials and press releases produced using public funds; providing that a public official's name or likeness may appear on an agency's website or social media for certain purposes; and clarifying that items or materials that are paid for by a public official's campaign funds are not subject to restrictions on items or materials produced using public funds.

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

**Eng. House Bill 4621**, Relating to removing reference to certain entities with respect to work.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4621) passed with its title.

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

**Eng. House Bill 4624**, Relating to West Virginia coordinate systems.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Following a point of inquiry to the President, with resultant response thereto,

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4624) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

**Eng. House Bill 4624**—A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia coordinate systems; defining terms; updating plane coordinate values; establishing conversion factor for conversion from meters to United States Survey feet; directing use of certain data published by the National Geodetic Survey; setting requirements for survey establishing coordinates that is relied on by governmental entities or the public; setting requirements for certain maps, plats, reports, descriptions or geospatial products to be relied on by governmental entities or the public; setting legal requirements for describing location of land boundary corners; requiring certification of compliance be filed for certain documents recorded in public records or deed records; setting requirements for certain plats and descriptions of surveys; requiring official geodetic data to be referenced in the State be defined for National Spatial Reference System; requiring compliance with accuracy and reporting requirements for certain maps, plats, reports, descriptions or geospatial products; clarifying that other coordinate systems, data and geodetic reference networks may be used where appropriate; eliminating obsolete language; and updating references.

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

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the sixth order of business, which agenda includes the making of main motion.

On motion of Senator Ferns, the Senate reconsider its action by which in earlier proceedings today it adopted Senator Ferns' motion that **Engrossed Committee Substitute for Senate Bill 134** (*Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery*) take effect from passage.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Ferns' motion that the bill take effect from passage.

Thereafter, at the request of Senator Ferns, and by unanimous consent, his foregoing motion was withdrawn.

On motion of Senator Ferns, the Senate reconsidered its action by which in earlier proceedings today it passed Engrossed Committee Substitute for Senate Bill 134.

The vote thereon having been reconsidered,

The question again being on the passage of the bill, as amended.

On motion of Senator Ferns, the Senate reconsidered its action by which in earlier proceedings today it adopted Senator Ferns' motion that the Senate concur in the House of Delegates amendment to Engrossed Committee Substitute for Senate Bill 134 (*shown in the Senate Journal of today, page 2*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Ferns' motion that the Senate concur in the House of Delegates amendment to Engrossed Committee Substitute for Senate Bill 134.

At the request of Senator Ferns, and by unanimous consent, his aforesaid motion was withdrawn.

Thereafter, on motion of Senator Ferns, the Senate refused to concur in House amendment to the bill (Eng. Com. Sub. for S. B. 134) and requested the House of Delegates to recede therefrom.

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

On motion of Senator Ferns, at 11:57 a.m., the Senate recessed for 30 minutes.

The Senate reconvened at 12:43 p.m. today and proceeded to the ninth order of business.

**Com. Sub. for Senate Joint Resolution 8**, County Economic Development Amendment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 2889**, Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer.

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

**Eng. Com. Sub. for House Bill 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 10. VETERINARIANS.**

**§30-10-12. Requirements to be a certified animal euthanasia technician.**

(a) To be eligible to be a certified animal euthanasia technician a person must:

(1) Apply at least thirty days prior to the date the next written examinations are scheduled, using a form prescribed by the board;

(2) Have a high school diploma or GED;

(3) Pay application and examination fees;

(4) Complete the certified animal euthanasia technician's program established by the board;

(5) Pass the written and practical skills examinations;

(6) Pass the prescribed background check; and

(7) Complete all the other requirements established by the board.

(b) A certified animal euthanasia technician may practice animal euthanasia at a legally operated animal control facility.

(c) A person certified as an animal euthanasia technician by the board prior to July 1, 2010, shall for all purposes be considered certified under this article and may renew pursuant to the provisions of this article.

(d) Notwithstanding the requirements set forth in §30-10-12(a) of this code, a person certified by another state or jurisdiction with qualifications comparable to, equivalent to, or exceeding the standards of the board may be issued a certification under this section upon the submission of a completed application and the appropriate fees as established by the board in legislative rules.

The bill (Eng. Com. Sub. for H. B. 2995), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4238**, 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 third reading.

**Eng. House Bill 4539**, Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses.

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

The Senate proceeded to the tenth order of business.

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

**Eng. Com. Sub. for House Bill 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods.

**Eng. Com. Sub. for House Bill 4015**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies.

**Eng. Com. Sub. for House Bill 4023**, Relating to the regulation of dialysis technicians.

**Eng. House Bill 4025**, Permitting reciprocity for licensure as a pharmacy technician.

**Eng. Com. Sub. for House Bill 4027**, Creating an education permit for allopathic physician resident.

**Eng. House Bill 4178**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies.

**Eng. Com. Sub. for House Bill 4197**, Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation.

**Eng. Com. Sub. for House Bill 4279**, Relating to adult protective services system.

**Eng. Com. Sub. for House Bill 4368**, Relating to voluntary assignments of wages by state employees who have been overpaid.

**Eng. House Bill 4434**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement.

**Eng. House Bill 4462**, Allowing off duty members and officers of the department of public safety to guard private property.

**Eng. Com. Sub. for House Bill 4478**, Authorizing public schools to distribute excess food to students.

**Eng. Com. Sub. for House Bill 4502**, Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception.

**Eng. Com. Sub. for House Bill 4509**, Relating to the establishment of substance abuse treatment facilities.

**Eng. Com. Sub. for House Bill 4522**, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor.

And,

**Eng. House Bill 4622**, Relating to authorizing legislative rules regarding higher education.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:47 p.m., the Senate recessed until 30 minutes after adjournment of a Finance committee meeting.

The Senate reconvened at 6:26 p.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

At the request of Senator Plymale, and by unanimous consent, Senator Plymale addressed the Senate regarding an email he received from a public school employee.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

Senator Maynard, 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 3rd day of March, 2018, 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:

**(Com. Sub. for S. B. 360)**, Clarifying oil and gas permits not be on flat well royalty leases.

**(Com. Sub. for S. B. 415)**, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities.

And,

**(Com. Sub. for H. B. 3004)**, Relating to filling vacancies in certain offices.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*

Roger Hanshaw,  
*Chair, House Committee.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Eng. Com. Sub. for House Bill 4145**, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel.

And has amended same.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4145) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill (Eng. Com. Sub. for H. B. 4145) was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

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>\$ 36,154</u>
<u>Cadet Trooper After Training .....</u>	<u>\$ 43,414</u>
<u>Trooper Second Year .....</u>	<u>44,426</u>
<u>Trooper Third Year .....</u>	<u>44,809</u>
<u>Senior Trooper .....</u>	<u>45,208</u>
<u>Trooper First Class .....</u>	<u>45,814</u>
<u>Corporal .....</u>	<u>46,420</u>
<u>Sergeant.....</u>	<u>50,721</u>
<u>First Sergeant.....</u>	<u>52,872</u>
<u>Second Lieutenant .....</u>	<u>55,022</u>
<u>First Lieutenant.....</u>	<u>57,173</u>
<u>Captain.....</u>	<u>59,324</u>
<u>Major .....</u>	<u>61,474</u>
<u>Lieutenant Colonel .....</u>	<u>63,625</u>

ANNUAL SALARY SCHEDULE (BASE PAY)ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

<u>I .....</u>	<u>44,426</u>
<u>II .....</u>	<u>45,208</u>
<u>III .....</u>	<u>45,814</u>
<u>IV .....</u>	<u>46,420</u>
<u>V .....</u>	<u>50,721</u>
<u>VI .....</u>	<u>52,872</u>
<u>VII .....</u>	<u>55,022</u>
<u>VIII .....</u>	<u>57,173</u>

ANNUAL SALARY SCHEDULE (BASE PAY)CRIMINALIST CLASSIFICATION

<u>I .....</u>	<u>44,426</u>
<u>II .....</u>	<u>45,208</u>
<u>III .....</u>	<u>45,814</u>
<u>IV .....</u>	<u>46,420</u>
<u>V .....</u>	<u>50,721</u>
<u>VI .....</u>	<u>52,872</u>
<u>VII .....</u>	<u>55,022</u>
<u>VIII .....</u>	<u>57,173</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) (1) 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 <sup>th</sup> Class	3 <sup>rd</sup> Class	2 <sup>nd</sup> Class	A.B. A.B.	A.B. +15	M.A. M.A.	M.A. +15	M.A. +30	M.A. +45	Dee- 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>4<sup>th</sup></u>	<u>3<sup>rd</sup></u>	<u>2<sup>nd</sup></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>+ 45</u>	<u>torate</u>
<u>0</u>	<u>29,937</u>	<u>30,626</u>	<u>30,892</u>	<u>32,335</u>	<u>33,096</u>	<u>34,863</u>	<u>35,624</u>	<u>36,385</u>	<u>37,146</u>	<u>38,181</u>
<u>1</u>	<u>30,265</u>	<u>30,954</u>	<u>31,220</u>	<u>32,853</u>	<u>33,614</u>	<u>35,382</u>	<u>36,143</u>	<u>36,903</u>	<u>37,664</u>	<u>38,699</u>

<u>2</u>	<u>30,594</u>	<u>31,282</u>	<u>31,548</u>	<u>33,372</u>	<u>34,133</u>	<u>35,900</u>	<u>36,661</u>	<u>37,422</u>	<u>38,183</u>	<u>39,218</u>
<u>3</u>	<u>30,922</u>	<u>31,610</u>	<u>31,876</u>	<u>33,891</u>	<u>34,651</u>	<u>36,419</u>	<u>37,180</u>	<u>37,940</u>	<u>38,701</u>	<u>39,736</u>
<u>4</u>	<u>31,494</u>	<u>32,182</u>	<u>32,448</u>	<u>34,653</u>	<u>35,414</u>	<u>37,182</u>	<u>37,943</u>	<u>38,703</u>	<u>39,464</u>	<u>40,499</u>
<u>5</u>	<u>31,822</u>	<u>32,510</u>	<u>32,776</u>	<u>35,172</u>	<u>35,933</u>	<u>37,700</u>	<u>38,461</u>	<u>39,222</u>	<u>39,983</u>	<u>41,018</u>
<u>6</u>	<u>32,150</u>	<u>32,838</u>	<u>33,104</u>	<u>35,690</u>	<u>36,451</u>	<u>38,219</u>	<u>38,980</u>	<u>39,740</u>	<u>40,501</u>	<u>41,536</u>
<u>7</u>	<u>32,478</u>	<u>33,167</u>	<u>33,432</u>	<u>36,209</u>	<u>36,970</u>	<u>38,737</u>	<u>39,498</u>	<u>40,259</u>	<u>41,020</u>	<u>42,055</u>
<u>8</u>	<u>32,806</u>	<u>33,495</u>	<u>33,761</u>	<u>36,727</u>	<u>37,488</u>	<u>39,256</u>	<u>40,017</u>	<u>40,777</u>	<u>41,538</u>	<u>42,573</u>
<u>9</u>	<u>33,134</u>	<u>33,823</u>	<u>34,089</u>	<u>37,246</u>	<u>38,007</u>	<u>39,774</u>	<u>40,535</u>	<u>41,296</u>	<u>42,057</u>	<u>43,092</u>
<u>10</u>	<u>33,463</u>	<u>34,151</u>	<u>34,417</u>	<u>37,766</u>	<u>38,526</u>	<u>40,294</u>	<u>41,055</u>	<u>41,816</u>	<u>42,576</u>	<u>43,611</u>
<u>11</u>	<u>33,791</u>	<u>34,479</u>	<u>34,745</u>	<u>38,284</u>	<u>39,045</u>	<u>40,813</u>	<u>41,573</u>	<u>42,334</u>	<u>43,095</u>	<u>44,130</u>
<u>12</u>	<u>34,119</u>	<u>34,807</u>	<u>35,073</u>	<u>38,803</u>	<u>39,563</u>	<u>41,331</u>	<u>42,092</u>	<u>42,853</u>	<u>43,613</u>	<u>44,648</u>
<u>13</u>	<u>34,447</u>	<u>35,135</u>	<u>35,401</u>	<u>39,321</u>	<u>40,082</u>	<u>41,850</u>	<u>42,610</u>	<u>43,371</u>	<u>44,132</u>	<u>45,167</u>
<u>14</u>	<u>34,775</u>	<u>35,463</u>	<u>35,729</u>	<u>39,840</u>	<u>40,600</u>	<u>42,368</u>	<u>43,129</u>	<u>43,890</u>	<u>44,650</u>	<u>45,685</u>
<u>15</u>	<u>35,103</u>	<u>35,791</u>	<u>36,057</u>	<u>40,358</u>	<u>41,119</u>	<u>42,887</u>	<u>43,647</u>	<u>44,408</u>	<u>45,169</u>	<u>46,204</u>
<u>16</u>	<u>35,431</u>	<u>36,119</u>	<u>36,385</u>	<u>40,877</u>	<u>41,637</u>	<u>43,405</u>	<u>44,166</u>	<u>44,927</u>	<u>45,687</u>	<u>46,722</u>
<u>17</u>	<u>35,759</u>	<u>36,448</u>	<u>36,713</u>	<u>41,395</u>	<u>42,156</u>	<u>43,924</u>	<u>44,685</u>	<u>45,445</u>	<u>46,206</u>	<u>47,241</u>
<u>18</u>	<u>36,087</u>	<u>36,776</u>	<u>37,042</u>	<u>41,914</u>	<u>42,675</u>	<u>44,442</u>	<u>45,203</u>	<u>45,964</u>	<u>46,725</u>	<u>47,760</u>
<u>19</u>	<u>36,415</u>	<u>37,104</u>	<u>37,370</u>	<u>42,432</u>	<u>43,193</u>	<u>44,961</u>	<u>45,722</u>	<u>46,482</u>	<u>47,243</u>	<u>48,278</u>
<u>20</u>	<u>36,743</u>	<u>37,432</u>	<u>37,698</u>	<u>42,951</u>	<u>43,712</u>	<u>45,479</u>	<u>46,240</u>	<u>47,001</u>	<u>47,762</u>	<u>48,797</u>
<u>21</u>	<u>37,072</u>	<u>37,760</u>	<u>38,026</u>	<u>43,469</u>	<u>44,230</u>	<u>45,998</u>	<u>46,759</u>	<u>47,519</u>	<u>48,280</u>	<u>49,315</u>
<u>22</u>	<u>37,400</u>	<u>38,088</u>	<u>38,354</u>	<u>43,988</u>	<u>44,749</u>	<u>46,516</u>	<u>47,277</u>	<u>48,038</u>	<u>48,799</u>	<u>49,834</u>
<u>23</u>	<u>37,728</u>	<u>38,416</u>	<u>38,682</u>	<u>44,507</u>	<u>45,267</u>	<u>47,035</u>	<u>47,796</u>	<u>48,556</u>	<u>49,317</u>	<u>50,352</u>
<u>24</u>	<u>38,056</u>	<u>38,744</u>	<u>39,010</u>	<u>45,025</u>	<u>45,786</u>	<u>47,554</u>	<u>48,314</u>	<u>49,075</u>	<u>49,836</u>	<u>50,871</u>
<u>25</u>	<u>38,384</u>	<u>39,072</u>	<u>39,338</u>	<u>45,544</u>	<u>46,304</u>	<u>48,072</u>	<u>48,833</u>	<u>49,594</u>	<u>50,354</u>	<u>51,389</u>
<u>26</u>	<u>38,712</u>	<u>39,400</u>	<u>39,666</u>	<u>46,062</u>	<u>46,823</u>	<u>48,591</u>	<u>49,351</u>	<u>50,112</u>	<u>50,873</u>	<u>51,908</u>
<u>27</u>	<u>39,040</u>	<u>39,728</u>	<u>39,994</u>	<u>46,581</u>	<u>47,341</u>	<u>49,109</u>	<u>49,870</u>	<u>50,631</u>	<u>51,391</u>	<u>52,426</u>
<u>28</u>	<u>39,368</u>	<u>40,057</u>	<u>40,322</u>	<u>47,099</u>	<u>47,860</u>	<u>49,628</u>	<u>50,388</u>	<u>51,149</u>	<u>51,910</u>	<u>52,945</u>
<u>29</u>	<u>39,696</u>	<u>40,385</u>	<u>40,651</u>	<u>47,618</u>	<u>48,378</u>	<u>50,146</u>	<u>50,907</u>	<u>51,668</u>	<u>52,428</u>	<u>53,463</u>

<u>30</u>	<u>40,024</u>	<u>40,713</u>	<u>40,979</u>	<u>48,136</u>	<u>48,897</u>	<u>50,665</u>	<u>51,425</u>	<u>52,186</u>	<u>52,947</u>	<u>53,982</u>
<u>31</u>	<u>40,353</u>	<u>41,041</u>	<u>41,307</u>	<u>48,655</u>	<u>49,416</u>	<u>51,183</u>	<u>51,944</u>	<u>52,705</u>	<u>53,465</u>	<u>54,500</u>
<u>32</u>	<u>40,681</u>	<u>41,369</u>	<u>41,635</u>	<u>49,173</u>	<u>49,934</u>	<u>51,702</u>	<u>52,463</u>	<u>53,223</u>	<u>53,984</u>	<u>55,019</u>
<u>33</u>	<u>41,009</u>	<u>41,697</u>	<u>41,963</u>	<u>49,692</u>	<u>50,453</u>	<u>52,220</u>	<u>52,981</u>	<u>53,742</u>	<u>54,503</u>	<u>55,538</u>
<u>34</u>	<u>41,337</u>	<u>42,025</u>	<u>42,291</u>	<u>50,210</u>	<u>50,971</u>	<u>52,739</u>	<u>53,500</u>	<u>54,260</u>	<u>55,021</u>	<u>56,056</u>
<u>35</u>	<u>41,665</u>	<u>42,353</u>	<u>42,619</u>	<u>50,729</u>	<u>51,490</u>	<u>53,257</u>	<u>54,018</u>	<u>54,779</u>	<u>55,540</u>	<u>56,575</u>

~~(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

40	2,034	2,052	2,094	2,147	2,199	2,264	2,295	2,369
41	2,064	2,085	2,127	2,180	2,232	2,296	2,328	2,404
42	2,096	2,118	2,159	2,213	2,266	2,329	2,360	2,434
43	2,129	2,150	2,192	2,245	2,298	2,361	2,393	2,467
44	2,162	2,183	2,225	2,278	2,331	2,394	2,426	2,499
45	2,194	2,216	2,257	2,310	2,363	2,427	2,458	2,532
46	2,227	2,248	2,290	2,343	2,396	2,459	2,491	2,565
47	2,259	2,281	2,324	2,376	2,429	2,492	2,524	2,598
48	2,292	2,314	2,356	2,408	2,461	2,525	2,556	2,634
49	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
24	2,391	2,411	2,454	2,507	2,559	2,623	2,654	2,734
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	2,834
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	2,824	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	2,924	2,998
30	2,686	2,707	2,751	2,804	2,858	2,922	2,955	3,034
34	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	3,024	3,098
33	2,787	2,807	2,851	2,905	2,958	3,022	3,055	3,134
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	<u>2,953</u>	<u>2,974</u>	<u>3,017</u>	<u>3,071</u>	<u>3,125</u>	<u>3,190</u>	<u>3,222</u>	<u>3,298</u>
39	<u>2,987</u>	<u>3,008</u>	<u>3,051</u>	<u>3,105</u>	<u>3,159</u>	<u>3,223</u>	<u>3,256</u>	<u>3,330</u>
40	<u>3,019</u>	<u>3,042</u>	<u>3,084</u>	<u>3,138</u>	<u>3,193</u>	<u>3,257</u>	<u>3,289</u>	<u>3,364</u>

YearsExp.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	<u>1,770</u>	<u>1,791</u>	<u>1,833</u>	<u>1,886</u>	<u>1,939</u>	<u>2,002</u>	<u>2,034</u>	<u>2,107</u>
1	<u>1,802</u>	<u>1,824</u>	<u>1,865</u>	<u>1,918</u>	<u>1,972</u>	<u>2,035</u>	<u>2,066</u>	<u>2,140</u>
2	<u>1,835</u>	<u>1,856</u>	<u>1,898</u>	<u>1,951</u>	<u>2,004</u>	<u>2,067</u>	<u>2,099</u>	<u>2,172</u>
3	<u>1,867</u>	<u>1,889</u>	<u>1,931</u>	<u>1,984</u>	<u>2,037</u>	<u>2,100</u>	<u>2,132</u>	<u>2,205</u>
4	<u>1,900</u>	<u>1,922</u>	<u>1,963</u>	<u>2,016</u>	<u>2,069</u>	<u>2,133</u>	<u>2,164</u>	<u>2,239</u>
5	<u>1,933</u>	<u>1,954</u>	<u>1,996</u>	<u>2,049</u>	<u>2,102</u>	<u>2,165</u>	<u>2,197</u>	<u>2,271</u>
6	<u>1,965</u>	<u>1,987</u>	<u>2,030</u>	<u>2,082</u>	<u>2,135</u>	<u>2,198</u>	<u>2,230</u>	<u>2,304</u>
7	<u>1,999</u>	<u>2,019</u>	<u>2,062</u>	<u>2,114</u>	<u>2,167</u>	<u>2,231</u>	<u>2,262</u>	<u>2,337</u>
8	<u>2,032</u>	<u>2,052</u>	<u>2,095</u>	<u>2,147</u>	<u>2,200</u>	<u>2,263</u>	<u>2,295</u>	<u>2,369</u>
9	<u>2,064</u>	<u>2,085</u>	<u>2,128</u>	<u>2,181</u>	<u>2,233</u>	<u>2,296</u>	<u>2,327</u>	<u>2,402</u>
10	<u>2,097</u>	<u>2,118</u>	<u>2,160</u>	<u>2,213</u>	<u>2,265</u>	<u>2,330</u>	<u>2,361</u>	<u>2,435</u>
11	<u>2,130</u>	<u>2,151</u>	<u>2,193</u>	<u>2,246</u>	<u>2,298</u>	<u>2,362</u>	<u>2,394</u>	<u>2,467</u>
12	<u>2,162</u>	<u>2,184</u>	<u>2,225</u>	<u>2,279</u>	<u>2,332</u>	<u>2,395</u>	<u>2,426</u>	<u>2,500</u>
13	<u>2,195</u>	<u>2,216</u>	<u>2,258</u>	<u>2,311</u>	<u>2,364</u>	<u>2,427</u>	<u>2,459</u>	<u>2,533</u>
14	<u>2,228</u>	<u>2,249</u>	<u>2,291</u>	<u>2,344</u>	<u>2,397</u>	<u>2,460</u>	<u>2,492</u>	<u>2,565</u>
15	<u>2,260</u>	<u>2,282</u>	<u>2,323</u>	<u>2,376</u>	<u>2,429</u>	<u>2,493</u>	<u>2,524</u>	<u>2,598</u>
16	<u>2,293</u>	<u>2,314</u>	<u>2,356</u>	<u>2,409</u>	<u>2,462</u>	<u>2,525</u>	<u>2,557</u>	<u>2,631</u>
17	<u>2,325</u>	<u>2,347</u>	<u>2,390</u>	<u>2,442</u>	<u>2,495</u>	<u>2,558</u>	<u>2,590</u>	<u>2,664</u>
18	<u>2,358</u>	<u>2,380</u>	<u>2,422</u>	<u>2,474</u>	<u>2,527</u>	<u>2,591</u>	<u>2,622</u>	<u>2,697</u>
19	<u>2,392</u>	<u>2,412</u>	<u>2,455</u>	<u>2,507</u>	<u>2,560</u>	<u>2,623</u>	<u>2,655</u>	<u>2,729</u>
20	<u>2,424</u>	<u>2,445</u>	<u>2,488</u>	<u>2,541</u>	<u>2,593</u>	<u>2,656</u>	<u>2,688</u>	<u>2,763</u>

<u>21</u>	<u>2,457</u>	<u>2,477</u>	<u>2,520</u>	<u>2,573</u>	<u>2,625</u>	<u>2,689</u>	<u>2,720</u>	<u>2,797</u>
<u>22</u>	<u>2,490</u>	<u>2,511</u>	<u>2,553</u>	<u>2,606</u>	<u>2,658</u>	<u>2,722</u>	<u>2,754</u>	<u>2,829</u>
<u>23</u>	<u>2,522</u>	<u>2,544</u>	<u>2,586</u>	<u>2,639</u>	<u>2,692</u>	<u>2,756</u>	<u>2,788</u>	<u>2,863</u>
<u>24</u>	<u>2,555</u>	<u>2,576</u>	<u>2,618</u>	<u>2,671</u>	<u>2,724</u>	<u>2,790</u>	<u>2,821</u>	<u>2,897</u>
<u>25</u>	<u>2,588</u>	<u>2,609</u>	<u>2,651</u>	<u>2,704</u>	<u>2,758</u>	<u>2,822</u>	<u>2,855</u>	<u>2,929</u>
<u>26</u>	<u>2,620</u>	<u>2,642</u>	<u>2,683</u>	<u>2,738</u>	<u>2,792</u>	<u>2,856</u>	<u>2,887</u>	<u>2,963</u>
<u>27</u>	<u>2,653</u>	<u>2,674</u>	<u>2,716</u>	<u>2,770</u>	<u>2,824</u>	<u>2,888</u>	<u>2,921</u>	<u>2,996</u>
<u>28</u>	<u>2,686</u>	<u>2,707</u>	<u>2,750</u>	<u>2,804</u>	<u>2,858</u>	<u>2,922</u>	<u>2,955</u>	<u>3,030</u>
<u>29</u>	<u>2,718</u>	<u>2,741</u>	<u>2,783</u>	<u>2,836</u>	<u>2,891</u>	<u>2,956</u>	<u>2,987</u>	<u>3,064</u>
<u>30</u>	<u>2,752</u>	<u>2,773</u>	<u>2,817</u>	<u>2,870</u>	<u>2,924</u>	<u>2,988</u>	<u>3,021</u>	<u>3,097</u>
<u>31</u>	<u>2,785</u>	<u>2,807</u>	<u>2,851</u>	<u>2,904</u>	<u>2,958</u>	<u>3,022</u>	<u>3,055</u>	<u>3,130</u>
<u>32</u>	<u>2,819</u>	<u>2,840</u>	<u>2,883</u>	<u>2,937</u>	<u>2,990</u>	<u>3,056</u>	<u>3,087</u>	<u>3,164</u>
<u>33</u>	<u>2,853</u>	<u>2,873</u>	<u>2,917</u>	<u>2,971</u>	<u>3,024</u>	<u>3,088</u>	<u>3,121</u>	<u>3,197</u>
<u>34</u>	<u>2,885</u>	<u>2,907</u>	<u>2,951</u>	<u>3,005</u>	<u>3,058</u>	<u>3,122</u>	<u>3,155</u>	<u>3,230</u>
<u>35</u>	<u>2,919</u>	<u>2,941</u>	<u>2,983</u>	<u>3,037</u>	<u>3,090</u>	<u>3,156</u>	<u>3,188</u>	<u>3,264</u>
<u>36</u>	<u>2,953</u>	<u>2,974</u>	<u>3,017</u>	<u>3,071</u>	<u>3,125</u>	<u>3,189</u>	<u>3,222</u>	<u>3,296</u>
<u>37</u>	<u>2,985</u>	<u>3,008</u>	<u>3,051</u>	<u>3,105</u>	<u>3,159</u>	<u>3,223</u>	<u>3,255</u>	<u>3,330</u>
<u>38</u>	<u>3,019</u>	<u>3,040</u>	<u>3,083</u>	<u>3,137</u>	<u>3,191</u>	<u>3,256</u>	<u>3,288</u>	<u>3,364</u>
<u>39</u>	<u>3,053</u>	<u>3,074</u>	<u>3,117</u>	<u>3,171</u>	<u>3,225</u>	<u>3,289</u>	<u>3,322</u>	<u>3,396</u>
<u>40</u>	<u>3,085</u>	<u>3,108</u>	<u>3,150</u>	<u>3,204</u>	<u>3,259</u>	<u>3,323</u>	<u>3,355</u>	<u>3,430</u>

~~(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 Driver .....	D
Warehouse Clerk .....	C
Watchman .....	B
Welder .....	F
WVEIS Data Entry and Administrative Clerk .....	B

(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.

Following extended discussion,

Senator Beach arose to a point of order that the discussion had now digressed from the merits of the amendment.

Which point of order, the President ruled well taken.

Following discussion,

The question being on the adoption of the Finance committee amendment to the bill, and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Arvon, Baldwin, Beach, Drennan, Facemire, Jeffries, Mann, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the Finance committee amendment to the bill adopted.

The bill, as amended, was ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4145) was then read a third time and put upon its passage.

Pending extended discussion,

Senator Plymale moved the previous question, which motion prevailed.

The previous question having been order, that being on the passage of Engrossed Committee Substitute for House Bill 4145.

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Facemire, Jeffries, Mann, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4145) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—25.

The nays were: Baldwin, Beach, Facemire, Ojeda, Prezioso, Romano, Stollings, Unger, and Woelfel—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4145) takes effect July 1, 2018.

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

On motion of Senator Ferns, at 7:16 p.m., the Senate recessed for 15 minutes.

The Senate reconvened at 8:24 p.m. tonight and again proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Ferns, the Senate requested the return from the House of Delegates of

**Eng. Com. Sub. for House Bill 4145**, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel.

Passed by the Senate in earlier proceedings tonight,

The bill now being in the possession of the Senate,

On motion of Senator Ferns, the Senate reconsidered its action by which in earlier proceedings tonight it made the bill (Eng. Com. Sub. for H. B. 4145) effective July 1, 2018.

Senator Plymale objecting.

Following a point of inquiry to the President, with resultant response thereto,

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Ferns' motion that the bill take effect July 1, 2018.

Senator Ferns requested unanimous consent that his foregoing motion be withdrawn.

Senator Plymale objecting.

Senator Ferns moved that that his foregoing motion be withdrawn.

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed.

Senator Ferns moved that the Senate reconsidered its action by which in earlier proceedings tonight it passed Engrossed Committee Substitute for House Bill 4145.

Senator Unger objecting.

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed.

The vote thereon having been reconsidered,

Senator Ferns then moved that the Senate reconsider its action by which in earlier proceedings tonight it adopted the Finance committee amendment to the bill.

Senator Plymale objecting.

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed.

Following a point of inquiry to the President, with resultant response thereto,

Senator Unger arose to a point of order stating Rule 42 of the Rules of the Senate, which states in part, "No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been adopted, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon." Therefore, the original position of the bill was on third reading.

Which point of order, the President ruled not well taken, stating the Senate has already reconsidered the effective date, passage, and the adoption of the Finance committee amendment to the bill so it was now on second reading.

Senator Unger arose to a point of order stating Rule 24 of the Rules of the Senate, which states in part, "A bill or joint resolution shall be amended only on second reading . . ." which would require a two-thirds vote to change the Rules of the Senate to permit amending on third reading and the result of the roll call vote to reconsider did not reflect that requirement.

Which point of order, the President ruled not well taken stating the bill is on second reading.

Senator Unger then appealed the ruling of the Chair, and on this question, Senator Unger demanded the yeas and nays.

Senator Ferns moved the previous question, which motion prevailed.

Following a point of inquiry to the President, with resultant response thereto,

The question being "Shall the Chair be sustained?"

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann, and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the Chair sustained.

Following points of inquiry to the President, with resultant responses thereto,

The vote thereon having been reconsidered,

The question again being on the adoption of the Finance committee amendment to the bill.

On motion of Senator Boso, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. 4145) was reported by the Clerk:

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~~

<del>Cadet During Training .....</del>	<del>\$34,858</del>
<del>Cadet Trooper After Training .....</del>	<del>\$ 42,122</del>
<del>Trooper Second Year .....</del>	<del>43,130</del>
<del>Trooper Third Year .....</del>	<del>43,513</del>
<del>Senior Trooper .....</del>	<del>43,912</del>
<del>Trooper First Class .....</del>	<del>44,518</del>
<del>Corporal .....</del>	<del>45,124</del>
<del>Sergeant .....</del>	<del>49,425</del>
<del>First Sergeant .....</del>	<del>51,576</del>
<del>Second Lieutenant .....</del>	<del>53,726</del>

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) ~~(1)~~ 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 <sup>th</sup> Class	3 <sup>rd</sup> Class	2 <sup>nd</sup> Class	A.B. A.B.	A.B. +15	M.A. M.A.	M.A. +15	M.A. +30	M.A. +45	Dec- torate
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>4<sup>th</sup></u>	<u>3<sup>rd</sup></u>	<u>2<sup>nd</sup></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	PAY GRADE							
Exp.	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	1,804	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	1,924	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	2,031	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	2,924	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	3,071	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

YearsExp.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 Driver .....	D
Warehouse Clerk .....	C
Watchman .....	B
Welder .....	F
WVEIS Data Entry and Administrative Clerk .....	B

(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.

Following points of inquiry to the President, with resultant responses thereto

The question being on the adoption of Senator Boso's amendment to the Finance committee amendment to the bill (Eng Com. Sub. for H. B. 4145).

Following a point of inquiry to the President, with resultant response thereto,

Senator Ferns moved the previous question, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' motion for the previous question had prevailed.

The previous question having been ordered, that being on the adoption of Senator Boso's amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. 4145), and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Arvon, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Boso's amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. 4145) adopted.

The question now being on the adoption of the Finance committee amendment to the bill, as amended, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Arvon, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the Finance committee amendment to the bill, as amended, adopted

Following a point of inquiry,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4145), as just amended, was then read a third time and put upon its passage.

Senator Ferns moved the previous question, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' motion for the previous question had prevailed.

The previous question having been ordered, that being on the passage of Engrossed Committee Substitute for House Bill 4145.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Arvon, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: Mann and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4145) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Maroney—2.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Ferns' aforestated motion had not prevailed.

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

On motion of Senator Ferns, at 9:37 p.m., the Senate recessed for 30 minutes.

The Senate reconvened at 10:23 p.m. tonight and, without objection, returned to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendment to, and requested the Senate to recede therefrom, as to

**Eng. Com. Sub. for House Bill 4145**, Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel.

Senator Ferns moved that the Senate refuse to recede from its amendment to the bill and request the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Arvon, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed.

Thereafter, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Ferns, Blair and Plymale.

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

On motion of Senator Ferns, at 10:25 p.m., the Senate adjourned until Monday, March 5, 2018, at 11 a.m.

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## SENATE CALENDAR

Monday, March 05, 2018  
11:00 AM

### UNFINISHED BUSINESS

- S. C. R. 48 - US Army MSG Monty Ray Skeen, Sr., Memorial Bridge  
S. C. R. 49 - US Army PFC Robert "Bobby" Tate, Jr., Memorial Bridge

### THIRD READING

- Eng. Com. Sub. for H. B. 2889 - Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer
- Eng. Com. Sub. for H. B. 2995 - Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia - (Com. title amend. pending)
- Eng. H. B. 4219 - Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System
- Eng. Com. Sub. for H. B. 4238 - Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan
- Eng. H. B. 4539 - Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses

### SECOND READING

- Com. Sub. for S. J. R. 8 - County Economic Development Amendment
- Eng. Com. Sub. for H. B. 2464 - Relating to disclaimers and exclusions of warranties in consumer transactions for goods - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4015 - Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4023 - Relating to the regulation of dialysis technicians
- Eng. H. B. 4025 - Permitting reciprocity for licensure as a pharmacy technician
- Eng. Com. Sub. for H. B. 4027 - Creating an education permit for allopathic physician resident
- Eng. H. B. 4178 - Permitting certain portions of certified nurse aide training to be provided through distance learning technologies

- Eng. Com. Sub. for H. B. 4197 - Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation - (Com. amend. pending) (original similar to SB409)
- Eng. Com. Sub. for H. B. 4279 - Relating to adult protective services system
- Eng. Com. Sub. for H. B. 4368 - Relating to voluntary assignments of wages by state employees who have been overpaid - (Com. amend. and title amend. pending)
- Eng. H. B. 4434 - Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement - (Com. amend. and title amend. pending)
- Eng. H. B. 4462 - Allowing off duty members and officers of the department of public safety to guard private property - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4478 - Authorizing public schools to distribute excess food to students - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4502 - Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4509 - Relating to the establishment of substance abuse treatment facilities - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4522 - Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor - (Com. amend. pending)
- Eng. H. B. 4622 - Relating to authorizing legislative rules regarding higher education

#### **FIRST READING**

- Eng. Com. Sub. for H. B. 4016 - Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4035 - Creating a legislative coalition to study and report to the Legislature on palliative care - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4042 - Redefining school zone to facilitate placement of school zone signs - (Com. amend. pending)

Eng. H. B. 4183 -	Relating generally to standardized testing requirements for nonpublic schools - (Com. amends. and title amend. pending)
Eng. Com. Sub. for H. B. 4275 -	Relating to the law-enforcement authority of the director and officers of the division of protective services
Eng. Com. Sub. for H. B. 4400 -	Relating to the West Virginia Physicians Mutual Insurance Company
Eng. Com. Sub. for H. B. 4546 -	Relating to where an application for a marriage license may be made