

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
NINTH DAY

Charleston, West Virginia, Thursday, February 18, 2021

The Senate met at 11:01 a.m.

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

Prayer was offered by Jay Eckhart, Senate Fiscal Officer, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Wednesday, February 17, 2021,

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Administrative Hearings, Office of (§17C-5C-2)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2011—A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to eliminating any time requirements for temporary employees to work during a working year.

Referred to the Committee on Government Organization.

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

Eng. House Bill 2019—A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-2-1, §5B-2-2, §5B-2-3, §5B-2-3b, §5B-2-4, §5B-

2-4a, §5B-2-5, §5B-2-6, §5B-2-6a, §5B-2-9a, §5B-2-10, §5B-2-14, §5B-2-15, §5B-2-16, and §5B-2-17 of said code; to amend and reenact §5B-21-2, §5B-21-3, §5B-21-4, §5B-21-5, §5B-21-6, §5B-21-7, and §5B-21-8 of said code; to amend and reenact §5F-1-2 of said code; and to amend and reenact §5F-2-1 of said code, all relating to reorganizing and redesignating certain agencies of the Department of Commerce; clarifying the divisions that report to the cabinet secretary of the Department of Commerce; removing the West Virginia Development Office from the Department of Commerce and redesignating the West Virginia Development Office as the Department of Economic Development; removing reference to the Division of Energy under the Department of Commerce; removing the West Virginia Tourism Office from the Department of Commerce and redesignating the West Virginia Tourism Office as the Department of Tourism; removing the Tourism Commission from the Department of Commerce and redesignating the Tourism Commission as the Tourism Advisory Council; redesignating the executive director of the Development Office as the secretary of the Department of Economic Development and providing for his or her appointment and term of office; providing that the Department of Economic Development will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Secretary of the Department of Economic Development may exempt employees from coverage under the state's classified service; providing that the Department of Economic Development is exempt from of §5A-3-1 *et seq.* of this code; redesignating the Development Office Promotion Fund as the Economic Development Promotion and Closing Fund and allowing further uses of such fund; redesignating the executive director of the Tourism Office as the secretary of the Department of Tourism and providing for his or her appointment and term of office; providing that the Department of Tourism will utilize existing resources of the Department of Commerce to the fullest extent practicable and efficient; providing that the Department of Tourism is exempt from §5A-3-1 *et seq.*; adding the Secretary of the Department of Economic Development to the membership of the Tourism Advisory Council; updating references to the secretary and Department of Economic Development; and updating references to the secretary and Department of Tourism.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2263—A Bill to amend and reenact 5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-51-3, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto a new section, designated §33-51-11, all relating generally to the regulation of pharmacy benefit managers; expanding certain definitions; regulating the reimbursements of pharmacy benefit managers; providing certain effective dates; defining certain methodologies utilized by pharmacy benefit managers; protecting consumer choice for pharmacies; setting guidelines for pharmacy benefit plans; and requiring rebates to be passed on to the consumer.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 1, Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 1 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-28; to amend and reenact §30-1-26 of said code; to amend and reenact §30-3-13a of said code; to amend and reenact §30-14-12d of said code; and to amend and reenact §33-57-1 of said code, all relating to telehealth services; defining terms; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to reimburse for telehealth services at a negotiated rate for virtual telehealth encounters; requiring the Public Employees Insurance Agency, Medicaid, and specified insurance plans to provide reimbursement for a telehealth service on the same basis and at the same rate as if the service is provided in-person for established patients; requiring the Department of Health and Human Resources to file a Medicaid waiver; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services and providing rule-making authority and emergency rule-making authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; providing restrictions and exceptions on prescriptive authority; adding criteria to the standard of care related to telehealth services; and providing exceptions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 61, Expanding Coyote Control Program through voluntary assessment on breeding cows.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,
Chair.

Senator Tarr, as chair of the Committee on Finance, requested unanimous consent to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Agriculture and Rural Development.

Which consent was not granted, Senator Baldwin objecting.

Thereafter, on motion of Senator Tarr, as chair of the Committee on Finance, the second committee reference of the bill (S. B. 61) contained in the foregoing report from the Committee on Agriculture and Rural Development was dispensed with.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 275, Relating generally to WV Appellate Reorganization Act of 2021.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 275 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto twelve new sections, designated §23-5-1a, §23-5-3a, §23-5-5a, §23-5-6a, §23-5-8a, §23-5-8b, §23-5-9a, §23-5-10a, §23-5-11a, §23-5-12a, §23-5-13a, and §23-5-16a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to creating an Intermediate Court of Appeals; defining terms; providing that the Judicial Vacancy Advisory Commission assist initial and subsequent vacancies on the Intermediate Court of Appeals; clarifying meaning of quorum for Judicial Vacancy Advisory Commission; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate-of-need reviews from the Workers' Compensation Office of Administrative Law Judges and Circuit Court of Kanawha County to the Intermediate Court of Appeals; establishing procedures and time frames for transfer or disposition of unresolved appeals pending with the Office of Judges; transferring jurisdiction over all workers' compensation claims and transferring all powers and duties related thereto from the Office of Judges to the Workers' Compensation Board of Review by a date certain; conferring appellate jurisdiction over Office of Judges decisions and Board of Review decisions to the Intermediate Court of Appeals after a date certain; sunseting certain provisions relating to duties and procedures of the Office of Judges with respect to workers' compensation claims; modifying duties and procedures of Board of Review with respect to workers' compensation claims; terminating the Office of Judges by a date certain; authorizing the Board of Review to employ hearing examiners and other necessary personnel; establishing qualifications for hearing examiners hired by the Board of Review; setting forth powers of the Board of Review relating to workers' compensation claims; providing for reports requested by the Insurance Commissioner to be made by the chair of the Board of Review; providing for oversight and administrative authority of the Insurance Commissioner over the Board of Review; authorizing the Board of Review to promulgate procedural rules; granting due consideration and an interview to employees of the Office of Judges who apply for positions with the Board of Review on or before a date certain and directing the Board of Review that such consideration and interview prior to considering any other applicant; authorizing the Board of Review to hire attorneys as hearing examiners; requiring that all orders and decisions of the Board of Review pertaining to an objection be issued and signed by a single member of the Board of Review, with certain exceptions; permitting the board of review

member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the Board of Review; increasing the limit on the annual salary of a Board of Review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chair of the Board of Review; providing that the administrative expenses of the Board of Review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of Board of Review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be established and operable by a date certain; providing a short title; providing legislative findings; defining terms; establishing and defining two districts of the Intermediate Court of Appeals; requiring each district of the Intermediate Court of Appeals to conduct proceedings as a three-judge panel; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; providing for the location of proceedings of the Intermediate Court of Appeals; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in certain extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals and related filings be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement

benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 275), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, 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 2358, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

And,

Eng. House Bill 2359, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, Engrossed Committee Substitute for House Bill 2358 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 Takubo, 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: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2358) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (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. 2358) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (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. 2358) takes effect from passage.

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

At the request of Senator Takubo, unanimous consent being granted, Engrossed House Bill 2359 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 Takubo, 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: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 2359) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (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. 2359) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (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. 2359) takes effect from passage.

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

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolutions were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Karnes:

Senate Bill 326—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature or in other part-time positions; and providing that persons who first become members of the retirement system after December 1, 2021, through election, reelection, or appointment to the Legislature, or certain other positions, shall receive one fourth of a year of service credit for each full year of service in the Legislature or other part-time position.

Referred to the Committee on Pensions; and then to the Committee on Government Organization.

By Senator Karnes:

Senate Bill 327—A Bill to amend and reenact §5-10-29 and §5-10-32 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7 of said code; to amend and reenact §8-22A-8 of said code; to amend and reenact §15-2-26 of said code; to amend and reenact §15-2A-5 of said code; to amend and reenact §16-5V-8 of said code; to amend and reenact §18-7A-14 of said code; and to amend and reenact §51-9-2 and §51-9-4 of said code, all relating to establishing a pension contribution holiday for plans administered by the Consolidated Public Retirement Board when funding for certain public retirement plans.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Karnes:

Senate Bill 328—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12b, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 329—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held; establishing the Temporary Sign Placement License Program; and requiring rulemaking.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Karnes:

Senate Bill 330—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-8-36, relating to allowing grocery stores to sell a certain amount of West Virginia-made wine without having a license to sell wine or liquor.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 331—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Karnes:

Senate Bill 332—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedures for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 333—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies, and severability.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 334—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, and §16-63-10, all relating to harm reduction programs; creating definitions; establishing licensure application process for harm reduction programs; setting forth prohibition on the receipt of state funds; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; providing for immunity and cost recoupment for businesses; and establishing civil penalties, criminal penalties, and injunctive relief.

Referred to the Committee on Health and Human Resources.

By Senator Nelson:

Senate Bill 335—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making PROMISE scholarships available for students pursuing certificates or degrees through an accredited community and technical college education program.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Smith:

Senate Bill 336—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-24; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers; providing that employees of an entity holding a permit do not need a separate permit; providing for permit requirements for fixed sites; providing for permit requirements for nonfixed sites; providing for the Department of Environmental Protection to develop an application and permit; providing for a \$200 permit fee for secondary metals recyclers; providing that a permit is valid for 24 months; providing for a permit for persons or entities to transport nonferrous metals over the highways; providing that employees of an entity do not need a separate permit; providing for no initial permit fee; providing for a \$10 fee for a replacement permit for a lost or destroyed original permit; providing for record retention criteria of all transportation permits issued; providing that a transportation permit is valid for two years; providing for denial, revocation, or suspension of a permit for violations of law; providing for penalties for permit violations; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers shall retain records of all purchases of nonferrous metals; providing for record retention criteria; providing for record retention of at least one year; providing for limitations on secondary metals recyclers purchasing nonferrous metals through cash transactions; providing for a \$25 limit on cash transactions; providing for a required sign to be displayed at all secondary metals recyclers locations where nonferrous metals are accepted for purchase; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for limitations for secondary metals recyclers to accept nonferrous metal sales from persons or entities without a valid transportation and sales permit; providing for holds placed on stolen nonferrous metals; providing for law enforcement to provide written notification to a secondary metals recycler relating to stolen nonferrous metals; providing that the notice shall identify the potentially stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing for an extended hold issued after 15 calendar days by law enforcement; providing that law enforcement provide written notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds on a secondary metals recycler at the conclusion of a hold or extended hold by law enforcement if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state without a valid permit; providing for penalties for violating transportation requirements; providing for revocation of a permit for violating transportation requirements; providing for acceptable forms of identification; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing that any county or municipality may enact ordinances relating to the sale, transport, or purchase of nonferrous metals under certain conditions; providing for criminal offenses; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for

revocation of a permit when the permittee is convicted of illegally obtaining nonferrous metals; providing for no civil liability for the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally; providing for no civil liability for the owner of real or personal property for any injury caused by dangerous conditions to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senators Rucker, Boley, Clements, Grady, Hamilton, Maynard, Phillips, Roberts, Smith, Stover, Sypolt, Tarr, and Woodrum:

Senate Bill 337—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, and §16-2Q-3, all relating to the right to life guaranteed to all human beings; and providing definitions.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 338—A Bill to amend and reenact §15A-11-11 of the Code of West Virginia, 1931, as amended, relating to creating the Fire Service Equipment and Training Fund; restricting the use of grant funds to specified purposes; specifying disposition of grant funds remaining in the fund at the end of the fiscal year; requiring the Fire Commission to establish an equipment and training grant program for volunteer and part-volunteer companies based upon certain circumstances; specifying the criteria the State Fire Marshal shall consider when making grants; authorizing the Fire Commission to propose emergency legislative rules and legislative rules; requiring the Legislative Auditor notify the Fire Commission of any volunteer or part-volunteer department that is ineligible to receive grant funds; and requiring that volunteer or part-volunteer department or companies are ineligible until the Legislative Auditor informs the Fire Commission that the company or department has come into compliance.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Sypolt:

Senate Bill 339—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms; expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, aquaponics, and hydroponics; requiring compliance with local laws, regulations, and ordinances for protection from nuisance and other legal actions to apply; and making technical changes.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 340—A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special levies elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 341—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-27, relating to requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete's participation in the athletic or sporting event be based on the athlete's biological sex as indicated on the athlete's original birth certificate issued at the time of birth; providing a revised designation for sporting events; and providing a means by which civil actions can be taken.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 342—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-28-8, relating to allowing any private, parochial, or church school with an enrollment of 25 or fewer students to operate as a nonpublic micro-school; requiring micro-school to be governed by a governing board; requiring annual notification to the county board of operation as a micro-school; declaring that attendance at a micro-school complying with certain requirements satisfies compulsory school attendance; requiring annual academic assessment of students; requiring micro-school to provide certain information to the county superintendent upon request; requiring attendance and academic records for each student to be made and maintained; imposing certain requirements on micro-schools pertaining to curriculum objectives, the provision of an instructional program, and the provision of an individualized progress report; setting forth consequences for composite test and portfolio assessment results falling below the fourth stanine; requiring any child enrolled in a micro-school that fails to meet certain requirements to satisfy homeschool exemption requirements; and declaring that no micro-school meeting certain requirements is subject to any other law relating to education.

Referred to the Committee on Education.

By Senator Weld:

Senate Bill 343—A Bill to amend and reenact §17B-2-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to transact a change of address online for a driver's license or identification card.

Referred to the Committee on Transportation and Infrastructure.

By Senator Weld:

Senate Bill 344—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to the credit for qualified rehabilitated buildings investment; eliminating the termination date of the tax credit; eliminating the maximum allowable amount of the tax credit; and making technical modifications.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 345—A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to expansion of the alcohol test and lock program to offenders with a drug related offense; authorizing the commissioner to require drug testing; authorizing deferral of the

revocation period for a participant with a drug offense; and authorizing an offender of §17B-4-3 to participate in the motor vehicle alcohol and drug test and lock program.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 346—A Bill to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice.

Referred to the Committee on Transportation and Infrastructure.

By Senator Weld:

Senate Bill 347—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-7-9, relating to allowing private club licensees that are licensed to sell alcoholic liquors, beer and wine, to sell alcoholic beverages by the drink to their members and their guests for carryout and consumption off the licensed premises; prescribing requirements for alcoholic beverage containers; providing that drinks for carryout furnished in compliance with this section may not be deemed an open container.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 348—A Bill to amend and reenact 18-8-1a of the Code of West Virginia, 1931, as amended, relating to requirements for compulsory school attendance; providing that parent and guardian make determination to remove child from kindergarten program; allowing enforcement of compulsory school attendance against anyone required to attend school; allowing students who attend certain Montessori programs enroll in first grade without further placement testing; and requiring out-of-state students be placed in the grade from which they transferred.

Referred to the Committee on Education.

By Senator Tarr:

Senate Bill 349—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2-18, all relating to the state and local boards of health; specifying instances when agents or employees may enter a private business; limiting signage, markings, or notices; making improper entry a crime; providing for criminal penalties and fines; providing for remedies by business owner; limiting powers of the executive through executive order; limiting powers of governmental entities; and limiting powers of counties and municipalities through local ordinances.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 350—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to taxation of hotel rooms booked through a marketplace facilitator; defining “marketplace facilitator”; providing for collection and remittance of the hotel occupancy tax imposed by any municipality or county by certain marketplace facilitators; making marketplace facilitators satisfying certain economic nexus requirements responsible for collection and remittance of the tax imposed by any county or municipality; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records

relating to consideration paid for the occupancy or use of a hotel room; deeming all taxes collected be held in trust by the marketplace facilitator until remitted; and permitting marketplace facilitators and hotels or hotel operators to enter into agreements regarding fulfillment of certain requirements.

Referred to the Committee on Government Organization.

By Senators Karnes, Grady, Rucker, Woodrum, Swope, and Stover:

Senate Bill 351—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state contracts; declaring Israel a prominent trading partner; prohibiting state contracts without certain written certification; prohibiting adoption of procurement, investment, or other policy that requires a person to boycott the government of Israel; authorizing approval of contracts and waiving of applications; and defining terms.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Jeffries:

Senate Bill 352—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-16a, relating to creating the offenses of conversion of leased or rented personal property; establishing the elements of the offenses; creating exceptions; and establishing and setting criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Tarr, Azinger, Boley, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Sypolt, Takubo, Weld, and Woodrum:

Senate Bill 353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, and §61-7B-5, all relating to creating the Second Amendment Preservation Act; stating legislative findings; prohibitions; penalties; and providing for severability.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 354—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, and §9-11-3, all relating to providing reforms to the state's Medicaid procedures by tightening hospital presumptive eligibility; mitigating the damage from federal Maintenance-of-Effort handcuffs; and enhancing Medicaid program integrity.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 355—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to the emergency powers of the Governor; and providing that such emergency power shall be terminated by either the proclamation of the Governor or by the passage of a concurrent resolution by the Legislature terminating the state of emergency.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 356—A Bill to amend and reenact §18-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing the written part of the operator's license examination to be given in school driver's education courses.

Referred to the Committee on Education.

By Senator Sypolt:

Senate Bill 357—A Bill to amend and reenact §19-1-3a and §19-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1C-2, §19-1C-3, §19-1C-4, §19-1C-5, and §19-1C-6 of said code; to amend said code by adding thereto a new section, designated §19-1C-7; to amend and reenact §19-9A-2 of said code; to amend and reenact §19-12A-5 of said code; to amend and reenact §19-14-1, §19-14-2, §19-14-3, §19-14-5, §19-14-6, §19-14-7, §19-14-8, §19-14-9, §19-14-10, §19-14-11, §19-14-12, and §19-14-14 of said code; to amend said code by adding thereto a new section, designated §19-14-16; to amend and reenact §19-21A-1, §19-21A-3, §19-21A-4, and §19-21A-8 of said code; to amend and reenact §19-25-1, §19-25-2, and §19-25-5 of said code; to amend and reenact §19-31-1 of said code; to amend and reenact §19-35-1, §19-35-2, §19-35-3, §19-35-4, §19-35-5, and §19-35-6 of said code; to amend said code by adding thereto two new sections, designated §19-35-3a and §19-35-3b; to amend and reenact §19-37-2 of said code; and to amend said code by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, and §19-38-5, all relating to the 2021 Farm Bill; eliminating requirement that certain duties of the department rest in a particular division; clarifying that raw milk can be sold for purposes other than human consumption; defining terms related to the care of livestock; reorganize Livestock Care Standards Board as an advisory board to the commissioner; direct commissioner to select members for advisory board; requiring certain constituencies be represented; modify duties of advisory board; granting commissioner authority to promulgate certain legislative rules after consultation with advisory board; classifying complaints and related communications regarding inhumane treatment of livestock as confidential and exempt from disclosure under the Freedom of Information Act; providing for reimbursement and compensation of advisory board members; requiring annual meetings of the advisory board; directing department of agriculture to administer and enforce established standards; defining the scope of said administration and enforcement; eliminating fee for permit to feed untreated garbage to swine; removing outdated language regarding procedures for leasing of farmland; authorizing the cancellation of certain leases; amend name of West Virginia Commercial Feed Law; define terms related to commercial feed; modify the powers and duties of the commissioner; eliminate requirement to publish annual composite report; eliminating specific fee language in statute; modifying application deadlines and timelines and permit expiration dates; defining requirements for individuals to possess Commercial Feed Manufacturing Permit, Commercial Feed Distributor Permit, and Commercial Feed Interstate Permit; establishing registration requirements for pet food and specialty pet food; identifying situations in which commissioner may refuse to grant, suspend, or revoke permits; providing opportunities for applicants, permittees or registrants to amend application and appeal adverse determinations; establishing labeling requirements; establishing certain inspection and registration fees and requirements; authorizing the commissioner to inspect certain tonnage records; defining adulteration of commercial feed or feed ingredients; defining misbranding of commercial feed; make technical modifications; define additional prohibited acts; establish requirements for distribution of raw milk as commercial feed; authorize establishment of analytical variation regulations; authorize penalties for excessive deviations; provide for penalties to be returned to purchasers where possible; authorize late payment penalties; expanding scope of authority for West Virginia Conservation Agency and State Conservation Committee to address water quality issues; defining terms related to conservation; expand duties and powers of State Conservation Committee; expanding scope of

authority for conservation districts; limiting liability of landowner who invites or permits persons to enter for agricultural purposes; defining agricultural purposes; clarifying ownership of Guthrie Center; stating legislative findings and purpose; defining terms related to farmers markets and cottage foods; eliminating certain definitions; establishing requirements for farmers market registration; providing that registration be conspicuously displayed; clarifying that farmers markets are not required to obtain food establishment permit; providing for department to establish sampling regulations; authorizing enforcement actions against non-compliant farmers markets; establishing requirements for farmers market vendor permits; clarifying that farmers market vendors are not required to obtain food establishment permit; exempting certain vendors from obtaining vendor permit; authorizing department to establish conditions and procedures for issuance of vendor permits; authorizing inspections as a condition of issuing vendor permits; requiring vendor permits be displayed in a conspicuous manner; authorizing enforcement action against non-compliant farmers market vendors; clarifying role of local health departments in farmers markets; prohibiting local health department from requiring food establishment permits for farmers markets or vendors; authorizing certain actions by local health departments at farmers markets; requiring all actions by local health departments at farmers markets to be done in consultation with department of agriculture; directing department to promulgate rules; eliminating requirement to consult with department of health and human resources; establishing requirements for regulation of potentially hazardous foods; requiring vendors of potentially hazardous foods to obtain vendor permit; directing department to establish requirements for obtaining vendor permits; eliminating certain labeling requirements; establishing requirements for sale of nonpotentially hazardous foods; expanding permissible kitchens for nonpotentially hazardous foods to include farm, community, or commercial kitchens; expanding West Virginia Fresh Food Act to include milk and other dairy products, expanding West Virginia Fresh Food Act to include other foods grown, produced, or processed by in-state producers; directing commissioner to establish criteria for food or food products to satisfy in-state requirement; directing commissioner to establish criteria for determining when exception or exemption should be granted to state institutions; requiring Purchasing Division to ensure that all contracts related to the purchase of food include provisions to ensure compliance with Fresh Food Act; establishing Agriculture Investment Program; setting forth legislative findings and purpose; defining terms related to the Agriculture Investment Fund; establishing fund in State Treasury; defining source of funds and permissible expenditures from fund; authorizing West Virginia Agriculture Investment Program; providing for program administration; authorizing either grants or loans from the fund; establishing certain criteria for awarding grants or loans; authorizing commissioner to establish committee to assist in program administration; and directing commissioner to propose legislative rules for program.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Tarr:

Senate Bill 358—A Bill to amend and reenact §29-22A-9 of the Code of West Virginia, 1931, as amended, relating to removing the prohibition on having automated teller machines in the area where racetrack video lottery machines are located; and making technical corrections.

Referred to the Committee on Finance.

By Senator Sypolt:

Senate Bill 359—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-4-17, relating to law enforcement making reasonable attempt to contact landowner when an accident occurs that damages a fence that could contain livestock.

Referred to the Committee on Agriculture and Rural Development.

By Senator Stover:

Senate Bill 360—A Bill to amend and reenact §3-1-30 and §3-1-44 of the Code of West Virginia, 1931, as amended, all relating to authorizing poll clerks to work and be compensated for both full and half days worked during an election.

Referred to the Committee on Government Organization.

By Senator Karnes:

Senate Joint Resolution 5—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Sypolt:

Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 22, relating to the right of farmers and agricultural producers to engage in modern agricultural practices; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Trump:

Senate Joint Resolution 7—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating generally to ad valorem taxation and assessment of tangible personal property; authorizing the Legislature to exempt one or more species of tangible personal property from taxation; authorizing the Legislature to reduce the rate of taxation or assessment for one or more species of tangible personal property; authorizing different statewide rates of taxation, statewide rates of assessment, and statewide methods of valuation for different species of tangible personal property; clarifying that the Legislature and levying bodies remain subject to constitutional limits on rate of taxation and assessment; authorizing the Legislature to classify property as real or personal for taxation purposes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senator Karnes offered the following resolution:

Senate Concurrent Resolution 5—Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a Republican form of government which gives each state equal standing when calling for an

amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration, and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution empowers it to convene a convention as called for and defined by several states; and

Whereas, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress and absolutely no other business will be authorized at this convention; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of several states have made applications on the same subject; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia’s congressional delegation, and to the presiding officers of each of the legislative houses in several states requesting their cooperation.

Which, under the rules, lies over one day.

Senator Sybolt offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways name bridge numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the “U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn Memorial Bridge”.

Whereas, Wilbur “Webb” Hahn, a native of Hardy County, West Virginia, was born on January 4, 1925, and died on July 5, 2016; and John William Hahn, Wilbur’s brother, was also a native of Hardy County, West Virginia, born on July 6, 1922, and died July 22, 2010; and

Whereas, Wilbur “Webb” Hahn, U.S. Navy Seaman 2nd Class, honorably served our country during World War II. The Hahn brothers compassion and simple life was devoted to the development of Hahn & Hahn Timber Company in Wardensville, West Virginia, creating jobs in Hardy County, West Virginia; and

Whereas, The Hahn Brothers were highly respected role models that fostered many community children during hard times, leaving no one hungry; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge numbers 16-048/00-028.54 (EB-WB) (16A132, 16A133), locally known as Sauerkraut Run (EB-WB), carrying US 48 over Sauerkraut Run & CR 23/9 in Hardy County, the “U. S. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn 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. Navy Seaman 2nd Class Wilbur ‘Webb’ Hahn and John W. Hahn 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 Stover, Romano, and Martin offered the following resolution:

Senate Resolution 8—Recognizing the 149th anniversary of Glenville State College.

Whereas, In February 1872, the passage of West Virginia Senate Bill 52 allowed for a branch of the state Normal School to be established at Glenville; and

Whereas, The Glenville Branch of the West Virginia State Normal School was originally founded in order to serve the educational needs of West Virginia citizens by preparing teachers to serve in classrooms across the state; and

Whereas, Glenville State College has expanded its mission to now prepare students for careers in teaching, business, land resources, criminal justice, music, the liberal arts, the sciences, and human services; and

Whereas, Glenville State College continues to be critical to the educational and economic vitality of central West Virginia and beyond through a variety of educational and professional degrees at the associate and baccalaureate levels; and

Whereas, Glenville State College continues to be a vital resource and provides support for many first generation and rural college students, students of modest means, and students who enter college still unsure of their educational and career pathways to the future; and

Whereas, Throughout its 149-year history, the faculty and staff of Glenville State College have served its students with distinction through an individualized, career-focused approach; and

Whereas, Glenville State College students, employees, and alumni actively support their communities financially, and otherwise; and

Whereas, The year 2021 marks the 149th anniversary of Glenville State College's founding; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the 149th anniversary of Glenville State College; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to Glenville State College for its contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of Glenville State College, Dr. Mark A. Manchin.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 14, Providing for additional options for alternative certification for teachers.

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 Senate Bill 14 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Woelfel—9.

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 S. B. 14) passed with its title.

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

Com. Sub. for Senate Bill 15, Relating generally to in-field master's degree.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, February 17, 2021, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Rucker, the following 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 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-1. Definitions.

~~(a) For the purpose of this article; salaries shall be defined as: (a) "Basic salaries" which shall mean the salaries paid to teachers with zero years of experience and in accordance with the classification of certification and of training of said teachers; and (b) "advanced salaries" which shall mean the basic salary plus an experience increment based on the allowable years of experience of the respective teachers in accordance with the schedule established herein for the applicable classification of certification and of training of said teachers are defined as:~~

(1) Salaries are defined as:

(A) "Advanced salaries" means the basic salary plus an experience increment based on the allowable years of experience of the respective teachers in accordance with the schedule established herein for the applicable classification of certification and of training of said teachers;
or

(B) "Basic salaries" means the salaries paid to teachers with zero years of experience and in accordance with the classification of certification and training of said teachers.

(2) "Classification of certification" means the class or type of certificate issued by the State Superintendent under the statutory provisions of this chapter.

(3) "Classification of training" means the number of collegiate or graduate hours necessary to meet the requirements stipulated in the definitions set forth in the next paragraph in items subdivisions (2) through (11), inclusive, subsection (b) of this section.

(b) The column heads of the state minimum salary schedule set forth in §18A-4-2 of this code are defined as follows:

(1) "Years of experience" means the number of years the teacher has been employed in the teaching profession, including active work in educational positions other than the public schools,

and service in the armed forces of the United States if the teacher was under contract to teach at the time of induction. For a registered professional nurse employed by a county board, "years of experience" means the number of years the nurse has been employed as a public school health nurse, including active work in a nursing position related to education, and service in the armed forces if the nurse was under contract with the county board at the time of induction. For the purpose of §18A-4-2 of this code, the experience of a teacher or a nurse shall be limited to that allowed under their training classification as found in the minimum salary schedule.

(2) "Fourth class" means all certificates previously identified as:

~~(a)~~ (A) "Certificates secured by examination"; and

~~(b)~~ (B) "~~other~~ Other first grade certificates".

(3) "Third class" means all certificates previously identified as:

~~(a)~~ (A) "Standard normal certificates"; and

~~(b)~~ (B) "~~third~~ Third class temporary (64 semester hours) certificates".

(4) "Second class" means all certificates previously identified as "second class temporary certificates based upon the required 96 hours of college work".

(5) "A.B." means a bachelor's degree, from an accredited institution of higher education, which has been issued to, or for which the requirements for such have been met by, a person who qualifies for or holds a professional certificate or its equivalent. A registered professional nurse with a bachelor's degree, who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses and employed by a county board, shall be within this classification for payment in accordance with §18A-4-2 and §18A-4-2a of this code.

(6) "A.B. plus 15" means a bachelor's degree as defined above plus 15 hours of graduate work, from an accredited institution of higher education certified to do graduate work, in an approved planned program at the graduate level which requirements have been met by a person who qualifies for or holds a professional certificate or its equivalent.

(7) "M.A." means a master's degree, earned in an institution of higher education approved to do graduate work, which has been issued to, or the requirements for such have been met by, a person who qualifies for or holds a professional certificate or its equivalent: Provided, That effective July 1, 2022, classroom teachers receiving a master's degree on or after that date cannot qualify for "M.A." and may only qualify for an in-field master's degree.

(8) "M.A. plus 15" means the above-defined master's degree plus 15 hours of graduate work, earned in an institution of higher education approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.

(9) "M.A. plus 30" means the above-defined master's degree plus 30 graduate hours, earned in an institution approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.

(10) "M.A. plus 45" means the above-defined master's degree plus 45 graduate hours, earned in an institution approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent.

~~(10)~~ (11) "Doctorate" means a doctor's degree, earned from a university qualified and approved to confer such a degree, which has been issued to or the requirements for such have been met by a person who qualifies for or holds a professional certificate or its equivalent.

(12) "In-field master's degree" means the master's degree as defined in this section, consisting of one of the following:

(A) Thirty (30) credit hours of post baccalaureate graduate credit confined to the specialization completed at the undergraduate level as set forth on the classroom teacher's professional certificate or its equivalent and in the field the teacher is teaching; or

(B) Thirty (30) credit hours of post baccalaureate graduate credit in an area, approved by the state board, that enhances a classroom teacher's effectiveness and ability to deliver instruction or meet daily student needs.

(c) For purposes of advanced salary classification, graduate work completed after July 1, 1994, shall be related to the public school program, as prescribed by the state board.

(d) Notwithstanding the requirements set forth in subdivisions ~~(6), (8) and (9)~~ (6), (7), (8), (9), and (10), subsection b of this section relating to hours of graduate work at an institution certified to do such work, 15 undergraduate credit hours from a regionally accredited institution of higher education, earned after the effective date of this section, may be utilized for advanced salary classification if such hours are in accordance with:

~~(a)~~ (1) The teacher's current classification of certification and of training;

~~(b)~~ (2) A designated instructional shortage area documented by the employing county superintendent; or

~~(c)~~ (3) An identified teaching deficiency documented through the state-approved county personnel evaluation system.

~~Effective July 1, 1994, the following definition shall be applicable.~~

~~(11) "M.A. plus 45" means the above-defined master's degree plus forty five graduate hours, earned in an institution approved to do graduate work, if the person is qualified for or holds a professional certificate or its equivalent~~

(e) Starting July 1, 2022, the salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment. The state board shall promulgate rules for the administration and implementation of the in-field master's salary as set forth in §18A-4-2(f) of this code and shall be consistent with the following:

(1) Classroom teachers holding an in-field master's degree who are assigned to teach, for at least one half of the total classes assigned, subjects which are consistent with the teachers' degrees are eligible for an advanced salary based pursuant to §18A-4-2(f) of this code. A teacher

meeting one of the following criteria may petition the county superintendent of the county in which they teach for a salary increase notwithstanding not meeting the instruction requirements:

(A) If a school's scheduling constraints prevent the teacher from being assigned to teach subjects consistent with the teacher's degrees for at least one half of the total classes assigned to teach;

(B) If the teacher was teaching subjects consistent with the teacher's degree and was voluntarily reassigned to assist the school or county in meeting a critical staffing need; or

(C) If the teacher was teaching subjects consistent with the teacher's degree but is no longer due to a reduction in force.

(2) A county superintendent shall review all petitions submitted for a salary increase notwithstanding not meeting the instructional requirements to verify that the appropriate circumstances exist that would entitle the teacher to a salary increase under this subsection. After review, the county superintendent shall submit the petition to the State Superintendent on behalf of the teacher and verify, with the appropriate supporting justification, whether or not the salary increase is warranted notwithstanding the teacher not meeting the instructional requirements. After review, the State Superintendent shall make a final determination on whether the salary increase is to be granted. Petitions submitted pursuant to this provision are valid for the school year in which they were submitted.

(3) The requirement to hold an in-field master's degree as a condition of receiving a salary increase for any education level above A.B. plus 15 pursuant to §18-4-2 of this code only applies to classroom teachers who receive a master's degree on or after July 1, 2022.

(f) The Higher Education Policy Commission in consultation with the State Superintendent of Schools, by August 31, 2021 shall develop a plan to provide readily accessible "M.A." classification programs at West Virginia institutions of higher education for professional educators throughout the state. The objective is to provide coursework enabling professional educators to achieve efficiently a qualifying "M.A." degree classification in their teaching field or a specialized pedagogical degree designed to directly enhance the educator's classroom and online instructional skills. The Higher Education Policy Commission shall submit this plan to the Legislative Oversight Commission on Education Accountability. Further, the commission shall propose a legislative rule for legislative approval pursuant to §29A-3A-1 *et seq.* of this code by August 31, 2022, outlining the process for the state's public, master's degree granting institutions to offer a fully online, collaborative graduate program for educators that provides academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus.

§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 supplement, to at least \$43,000 by fiscal year 2019.

~~(b) For school year 2018-2019, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule I 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: *Provided*, That for For the~~

school year 2019-2020, and continuing thereafter, each teacher shall receive the amount prescribed in the State Minimum Salary Schedule # I as set forth in this section, subject to subsection (f) of 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 I

Years Exp	4 th Class	3 rd Class	2 nd Class	A.B. +15	A.B. +15	M.A. +15	M.A. +15	M.A. +30	M.A. +45	Doc- torate
0	29,937	30,626	30,892	32,335	33,096	34,863	35,624	36,385	37,146	38,181
1	30,265	30,954	31,220	32,853	33,614	35,382	36,143	36,903	37,664	38,699
2	30,594	31,282	31,548	33,372	34,133	35,900	36,661	37,422	38,183	39,218
3	30,922	31,610	31,876	33,891	34,651	36,419	37,180	37,940	38,701	39,736
4	31,494	32,182	32,448	34,653	35,414	37,182	37,943	38,703	39,464	40,499
5	31,822	32,510	32,776	35,172	35,933	37,700	38,461	39,222	39,983	41,018
6	32,150	32,838	33,104	35,690	36,451	38,219	38,980	39,740	40,501	41,536
7	32,478	33,167	33,432	36,209	36,970	38,737	39,498	40,259	41,020	42,055
8	32,806	33,495	33,761	36,727	37,488	39,256	40,017	40,777	41,538	42,573
9	33,134	33,823	34,089	37,246	38,007	39,774	40,535	41,296	42,057	43,092
10	33,463	34,151	34,417	37,766	38,526	40,294	41,055	41,816	42,576	43,611
11	33,791	34,479	34,745	38,284	39,045	40,813	41,573	42,334	43,095	44,130
12	34,119	34,807	35,073	38,803	39,563	41,331	42,092	42,853	43,613	44,648
13	34,447	35,135	35,401	39,321	40,082	41,850	42,610	43,371	44,132	45,167
14	34,775	35,463	35,729	39,840	40,600	42,368	43,129	43,890	44,650	45,685
15	35,103	35,791	36,057	40,358	41,119	42,887	43,647	44,408	45,169	46,204
16	35,431	36,119	36,385	40,877	41,637	43,405	44,166	44,927	45,687	46,722
17	35,759	36,448	36,713	41,395	42,156	43,924	44,685	45,445	46,206	47,241

18	36,087	36,776	37,042	41,914	42,675	44,442	45,203	45,964	46,725	47,760
19	36,415	37,104	37,370	42,432	43,193	44,961	45,722	46,482	47,243	48,278
20	36,743	37,432	37,698	42,951	43,712	45,479	46,240	47,001	47,762	48,797
21	37,072	37,760	38,026	43,469	44,230	45,998	46,759	47,519	48,280	49,315
22	37,400	38,088	38,354	43,988	44,749	46,516	47,277	48,038	48,799	49,834
23	37,728	38,416	38,682	44,507	45,267	47,035	47,796	48,556	49,317	50,352
24	38,056	38,744	39,010	45,025	45,786	47,554	48,314	49,075	49,836	50,871
25	38,384	39,072	39,338	45,544	46,304	48,072	48,833	49,594	50,354	51,389
26	38,712	39,400	39,666	46,062	46,823	48,591	49,351	50,112	50,873	51,908
27	39,040	39,728	39,994	46,581	47,341	49,109	49,870	50,631	51,391	52,426
28	39,368	40,057	40,322	47,099	47,860	49,628	50,388	51,149	51,910	52,945
29	39,696	40,385	40,651	47,618	48,378	50,146	50,907	51,668	52,428	53,463
30	40,024	40,713	40,979	48,136	48,897	50,665	51,425	52,186	52,947	53,982
31	40,353	41,041	41,307	48,655	49,416	51,183	51,944	52,705	53,465	54,500
32	40,681	41,369	41,635	49,173	49,934	51,702	52,463	53,223	53,984	55,019
33	41,009	41,697	41,963	49,692	50,453	52,220	52,981	53,742	54,503	55,538
34	41,337	42,025	42,291	50,210	50,971	52,739	53,500	54,260	55,021	56,056
35	41,665	42,353	42,619	50,729	51,490	53,257	54,018	54,779	55,540	56,575

STATE MINIMUM SALARY SCHEDULE # 1

Years	4 th	3 rd	2 nd	A.B.	A.B.	M.A./In	M.A.	M.A.	M.A.	Doc-
Exp.	Class	Class	Class		+15	field	+15/In-	+30/In-	+45/In-	torate/
						-field	field	field	field	n-field
						M.A.	M.A.+1	M.A.+3	M.A.+4	Doctor
						M.A.	5	0	5	ate
0	32,057	32,746	33,012	34,455	35,216	36,983	37,744	38,505	39,266	40,301
1	32,385	33,074	33,340	34,973	35,734	37,502	38,263	39,023	39,784	40,819
2	32,714	33,402	33,668	35,492	36,253	38,020	38,781	39,542	40,303	41,338
3	33,042	33,730	33,996	36,011	36,771	38,539	39,300	40,060	40,821	41,856
4	33,614	34,302	34,568	36,773	37,534	39,302	40,063	40,823	41,584	42,619

5	33,942	34,630	34,896	37,292	38,053	39,820	40,581	41,342	42,103	43,138
6	34,270	34,958	35,224	37,810	38,571	40,339	41,100	41,860	42,621	43,656
7	34,598	35,287	35,552	38,329	39,090	40,857	41,618	42,379	43,140	44,175
8	34,926	35,615	35,881	38,847	39,608	41,376	42,137	42,897	43,658	44,693
9	35,254	35,943	36,209	39,366	40,127	41,894	42,655	43,416	44,177	45,212
10	35,583	36,271	36,537	39,886	40,646	42,414	43,175	43,936	44,696	45,731
11	35,911	36,599	36,865	40,404	41,165	42,933	43,693	44,454	45,215	46,250
12	36,239	36,927	37,193	40,923	41,683	43,451	44,212	44,973	45,733	46,768
13	36,567	37,255	37,521	41,441	42,202	43,970	44,730	45,491	46,252	47,287
14	36,895	37,583	37,849	41,960	42,720	44,488	45,249	46,010	46,770	47,805
15	37,223	37,911	38,177	42,478	43,239	45,007	45,767	46,528	47,289	48,324
16	37,551	38,239	38,505	42,997	43,757	45,525	46,286	47,047	47,807	48,842
17	37,879	38,568	38,833	43,515	44,276	46,044	46,805	47,565	48,326	49,361
18	38,207	38,896	39,162	44,034	44,795	46,562	47,323	48,084	48,845	49,880
19	38,535	39,224	39,490	44,552	45,313	47,081	47,842	48,602	49,363	50,398
20	38,863	39,552	39,818	45,071	45,832	47,599	48,360	49,121	49,882	50,917
21	39,192	39,880	40,146	45,589	46,350	48,118	48,879	49,639	50,400	51,435
22	39,520	40,208	40,474	46,108	46,869	48,636	49,397	50,158	50,919	51,954
23	39,848	40,536	40,802	46,627	47,387	49,155	49,916	50,676	51,437	52,472
24	40,176	40,864	41,130	47,145	47,906	49,674	50,434	51,195	51,956	52,991
25	40,504	41,192	41,458	47,664	48,424	50,192	50,953	51,714	52,474	53,509
26	40,832	41,520	41,786	48,182	48,943	50,711	51,471	52,232	52,993	54,028
27	41,160	41,848	42,114	48,701	49,461	51,229	51,990	52,751	53,511	54,546
28	41,488	42,177	42,442	49,219	49,980	51,748	52,508	53,269	54,030	55,065
29	41,816	42,505	42,771	49,738	50,498	52,266	53,027	53,788	54,548	55,583
30	42,144	42,833	43,099	50,256	51,017	52,785	53,545	54,306	55,067	56,102
31	42,473	43,161	43,427	50,775	51,536	53,303	54,064	54,825	55,585	56,620

32	42,801	43,489	43,755	51,293	52,054	53,822	54,583	55,343	56,104	57,139
33	43,129	43,817	44,083	51,812	52,573	54,340	55,101	55,862	56,623	57,658
34	43,457	44,145	44,411	52,330	53,091	54,859	55,620	56,380	57,141	58,176
35	43,785	44,473	44,739	52,849	53,610	55,377	56,138	56,899	57,660	58,695

(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) Effective July 1, 2019, each classroom teacher providing math instruction in the teacher's certified area of study for at least 60 percent of the time the teacher is providing instruction to students shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (b) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

(e) Effective July 1, 2019, each classroom teacher certified in special education and employed as a full-time special education teacher shall be considered to have three additional years of experience only for the purposes of the salary schedule set forth in subsection (b) of this section: *Provided*, That for any classroom teacher who satisfies these requirements and whose years of experience plus the three additional years due to them exceeds the years of experience provided for on the salary schedule shall be paid the additional amount equivalent to three additional years of experience notwithstanding the maximum experience provided on the salary schedule.

(f) Notwithstanding any other provision of this section to the contrary, starting July 1, 2022, no classroom teacher receiving a master's degree on or after that date may receive the salary increase for any education level above A.B. plus 15 unless the requirements for an in-field master's degree as outlined in §18A-4-1 of this code have been satisfied.

(f) (g) In accordance with §18A-4-5 of this code, each teacher shall be paid the 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.

Following discussion,

The question being on the adoption of Senator Rucker’s amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 15 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 15 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Clements, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—24.

The nays were: Beach, Caputo, Grady, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, Stover, and Woelfel—10.

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 S. B. 15) passed.

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

Eng. Com. Sub. for Senate Bill 15—A Bill to amend and reenact §18A-4-1 and §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master's degree; revising definition of "M.A."; adding definition for "in-field master's degree"; providing that salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master's salary; specifying contents of rule; requiring the Higher Education Policy Commission to develop a plan to provide readily accessible "MA" classification programs at West Virginia institutions of higher education for professional educators throughout the state; requiring the commission to propose a legislative rule outlining the process for the state's public, master's degree granting institutions to offer a fully online, collaborative graduate program for educators providing academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus; and prohibiting certain classroom teachers from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master's degree related requirements have been satisfied.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 66, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

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

Com. Sub. for Senate Bill 272, Relating to WV Employment Law Worker Classification Act.

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

Com. Sub. for Senate Bill 277, Creating COVID-19 Jobs Protection Act.

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

At the request of Senator Trump, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 11, Declaring work stoppage or strike by public employees to be unlawful.

Com. Sub. for Senate Bill 12, Relating to local health department accountability.

Senate Bill 69, Creating “Choose Life” special registration plate supporting adoption.

Com. Sub. for Senate Bill 244, Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility.

Com. Sub. for Senate Bill 280, Relating to e-commerce modernization.

Com. Sub. for Senate Bill 293, Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval.

And,

Com. Sub. for Senate Bill 295, Relating generally to economic development loans and loan insurance issued by state.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Jeffries, Baldwin, Tarr, and Plymale.

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

At the request of Senator Woelfel, unanimous consent being granted, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 17, 2021:

Senate Bill 1: Senator Lindsay;

Senate Bill 42: Senators Stollings and Jeffries;

Senate Bill 58: Senator Lindsay;

Senate Bill 61: Senator Hamilton;

Senate Bill 83: Senator Lindsay;

Senate Bill 84: Senator Lindsay;

Senate Bill 86: Senator Stollings;

Senate Bill 101: Senator Lindsay;

Senate Bill 115: Senator Lindsay;

Senate Bill 226: Senator Lindsay;

- Senate Bill 231:** Senator Lindsay;
- Senate Bill 240:** Senator Hamilton;
- Senate Bill 263:** Senator Lindsay;
- Senate Bill 268:** Senator Hamilton;
- Senate Bill 279:** Senator Hamilton;
- Senate Bill 280:** Senator Lindsay;
- Senate Bill 300:** Senator Lindsay;
- Senate Bill 302:** Senators Lindsay, Caputo, and Ihlenfeld;
- Senate Bill 305:** Senators Karnes and Swope;
- Senate Bill 306:** Senators Phillips, Stollings, Grady, and Ihlenfeld;
- Senate Bill 307:** Senators Phillips and Stollings;
- Senate Bill 308:** Senator Ihlenfeld;
- Senate Bill 309:** Senators Phillips, Baldwin, Ihlenfeld, Grady, and Woelfel;
- Senate Bill 310:** Senators Ihlenfeld and Woelfel;
- Senate Bill 312:** Senators Trump, Ihlenfeld, Roberts, and Woelfel;
- Senate Bill 313:** Senators Phillips, Karnes, Trump, Lindsay, Caputo, Smith, and Woelfel;
- Senate Bill 314:** Senator Phillips;
- Senate Bill 315:** Senators Stollings, Lindsay, Caputo, Baldwin, and Smith;
- Senate Bill 317:** Senators Phillips, Baldwin, and Ihlenfeld;
- Senate Bill 318:** Senator Roberts;
- Senate Bill 319:** Senators Stollings and Lindsay;
- Senate Bill 320:** Senators Lindsay, Caputo, Baldwin, and Woelfel;
- Senate Bill 322:** Senator Lindsay;
- Senate Bill 323:** Senator Lindsay;
- Senate Bill 324:** Senator Lindsay;
- Senate Bill 325:** Senator Tarr;

Senate Joint Resolution 1: Senator Roberts;

Senate Joint Resolution 2: Senator Lindsay;

Senate Joint Resolution 4: Senator Roberts;

Senate Concurrent Resolution 4: Senator Lindsay;

And,

Senate Resolution 7: Senator Hamilton.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:05 p.m., the Senate adjourned until tomorrow, Friday, February 19, 2021, at 11 a.m.

SENATE CALENDAR

**Friday, February 19, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 5 - Urging Congress call Article V convention to impose fiscal restraints on federal government
- S. C. R. 6 - US Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn Memorial Bridge
- S. R. 8 - Recognizing 149th anniversary of Glenville State College

THIRD READING

- Eng. Com. Sub. for S. B. 66 - Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses
- Eng. Com. Sub. for S. B. 272 - Relating to WV Employment Law Worker Classification Act (original similar to HB2020)
- Com. Sub. for S. B. 277 - Creating COVID-19 Jobs Protection Act - (With right to amend)

SECOND READING

- Com. Sub. for S. B. 11 - Declaring work stoppage or strike by public employees to be unlawful
- Com. Sub. for S. B. 12 - Relating to local health department accountability
- S. B. 69 - Creating "Choose Life" special registration plate supporting adoption
- Com. Sub. for S. B. 244 - Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility
- Com. Sub. for S. B. 280 - Relating to e-commerce modernization
- Com. Sub. for S. B. 293 - Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval
- Com. Sub. for S. B. 295 - Relating generally to economic development loans and loan insurance issued by state (original similar to HB2018)

FIRST READING

- Com. Sub. for S. B. 1 - Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform
- S. B. 61 - Expanding Coyote Control Program through voluntary assessment on breeding cows

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Friday, February 19, 2021

9 a.m.

Finance

(Room 451M)