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FORTY-SECOND DAY

Tuesday, February 20, 2018

FORTY-SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, February 19, 2018, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 19th day of February, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

S. B. 62, Adjusting requirements for hiring school attendance directors,

And,

Com. Sub. for H. B. 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

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

On motion for leave, a bill was introduced (Originating in the Committee on Finance with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Nelson, Ambler, Butler, Espinosa, Frich, Householder, C. Miller, Storch, Walters and Westfall:

H. B. 4625 - "A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; providing limit on balance of fund that suspends allocation; modifying portion allocated to revenue shortfall reserve fund; and terminating provisions."

At the respective requests of Delegate Cowles, and by unanimous consent, the bill (H. B. 4625) was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration:

H. B. 4219, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4540, Implementing a process for counties to obtain grants from an existing federal fund designated the Help America Vote Act Fund,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4540) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4502, Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception,

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

Com. Sub. for H. B. 4502 - "A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, as amended, relating to adding murder, armed robbery, sex crimes, treason, and organized crimes to the list of offenses for which a prosecutor may apply for an order authorizing interception,"

And,

H. B. 4607, Prohibiting the banning of the use of recreational drones at state parks,

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

Com. Sub. for H. B. 4607 - "A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to parks and recreation permitting the use of recreational drones at state parks; requiring persons who intend to operate drones to register with the superintendent prior to participating in the use of any drone; establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails; and clarifying that persons who operate drones assume full responsibility and liability,"

With the recommendation that the committee substitutes each do pass.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4431, Establishing the Mountaineer Trail Network Recreation Authority,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4431) was referred to the Committee on the Judiciary.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4534, Relating to the executive secretary of the Health Professional Licensing Boards,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4534) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4600, Authorizing employed investigators of the Board of Medicine, the Board of Osteopathy and the Board of Pharmacy to carry concealed handguns,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4600) was referred to the Committee on the Judiciary.

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Howell, Hamrick, Pack, Brewer, Jennings, Iaquinta, Ferro, Hill, Diserio, Marcum and Maynard:

H. B. 4624 - "A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia coordinate systems; defining terms; and updating references."

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

Your Committee on Finance has had under consideration:

H. B. 2983, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress,

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

Com. Sub. for H. B. 2983 – “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Highways to implement reasonable design techniques intended to minimize damage that may result from recurring floods within the purpose and need of the state road system, and relating to updating certain statutory references,”

H. B. 4241, Transitioning foster children into managed care,

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

Com. Sub. for H. B. 4241 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to transitioning foster children into managed care,”

And,

H. B. 4289, Relating to disability pensions of municipal employees,

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

Com. Sub. for H. B. 4289 - “A Bill to amend and reenact §8-22-24 of the Code of West Virginia, 1931, as amended, relating to disability pensions of municipal employees; removing provision relating to limitation of nonduty disability retirement; increasing amount of income that may be earned before an offset of benefits is required; and increasing that limit automatically when the minimum wage increases,”

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for H. B. 2831, Relating to the reconstitution of the Driver’s Licensing Advisory Board.

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

On page one, by striking out the title and inserting therefor a new title, to read as follows:

Com. Sub. for H. B. 2831 - “A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the Driver’s Licensing Advisory Board; requiring one member of the advisory board to be a board certified neurologist licensed to practice medicine in this state; reducing number of physicians or surgeons serving on advisory board from four to three; permitting current appointees to advisory board to continue to serve until successors have been appointed; authorizing Commissioner of Motor Vehicles to request opinion of advisory board; requiring the board to respond to requests of the commissioner for opinions; providing reimbursement for advisory board members

for actual and necessary expenses; requiring reimbursement to be consistent with guidelines of Travel Management Office; and eliminating sunset provision for advisory board.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 158**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2831) passed.

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

A message from the Senate, by

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

S. B. 47 - “A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Defense family advocacy groups to be notified about any abuse or neglect of a child of a military person”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 87 - “A Bill to amend and reenact §20-2-42x of the Code of West Virginia, 1931, as amended, relating to allowing a person to purchase a Class XS resident senior hunting, fishing, and trapping license at the beginning of the year he or she becomes 65, if otherwise eligible”; which was referred to the Committee on Senior Citizen Issues then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 165, Authorizing DHHR promulgate legislative rules.

A message from the Senate, by

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

S. B. 339 - “A Bill to amend and reenact §5-16D-1, §5-16D-3, §5-16D-4, and §5-16D-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Retirement Health Benefit Trust Fund within the Public Employees Insurance Agency; modifying definitions to provide flexibility for compliance with the Governmental Accounting Standards Board guidance; defining new terms; and allowing the current allocation process for unfunded liability to continue”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

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

S. B. 444 - "A Bill to repeal §17C-15-29 and §17C-15-38 of the Code of West Virginia, 1931, as amended, relating to repealing antiquated and inoperative provisions of the code regarding approval of safety glass and lighting in motor vehicles"; which was referred to the Committee on Roads and Transportation then Government Organization.

Resolutions Introduced

Delegates Walters, C. Miller, Higginbotham, Espinosa, Graves, C. Romine, Rohrbach, Jennings, R. Romine, A. Evans, Deem, Ambler, Anderson, Cooper, Ellington, Harshbarger, Hollen, Kelly, Lane, Maynard, Overington, Pack, Paynter, Phillips, Storch, Ward and Westfall offered the following resolution, which was read by its title and referred to the Committee on Banking and Insurance then Rules:

H. R. 8 - "Urging the United States Congress and the President of the United States to enact legislation that would reinstate the separation of commercial and investment banking function that was in effect under the Glass-Steagall Act."

Whereas, An effective money and banking system is essential to the functioning of the United States economy. Such a system must function in the public interest without any bias; and

Whereas, Since 1933, the Federal Banking Act, also referred to as the Glass-Steagall Act, has protected the public interest through the regulation of commercial and investment banking, insurance companies, and securities. Important provisions of the Glass-Steagall Act were repealed in 1999, partially contributing to the greatest speculative bubble and worldwide recession since the Great Depression; and

Whereas, The worldwide recession greatly affected our country's economy and citizens' lives. It left millions of homes in foreclosure and caused the loss of millions of jobs nationwide. The recession also put severe financial strains on states, counties, cities, and other municipalities, exacerbating unemployment and the loss of public services; and

Whereas, The United States House of Representatives and United States Senate have been making efforts to restore the protections of the Glass-Steagall Act. United States Representative Marcy Kaptur has introduced H.R. 381, known as the Return to Prudent Banking Act of 2015, which would revive the separation between commercial banking and the securities business in the manner provided by the Glass-Steagall Act. United States Senator Elizabeth Warren, along with Senators John McCain, Maria Cantwell, Angus King, and others have introduced the 21st Century Glass-Steagall Act (S. 1709), which would reduce risk for American taxpayers in the financial system and decrease the likelihood of future financial crises; and

Whereas, The Glass-Steagall Act has widespread national support from prominent economic and business leaders and national publications, including Thomas Hoenig of the Federal Deposit Insurance Corporation, former CEO of Citigroup Sanford Weill, economist Luigi Zingales, the New York Times, the St. Louis Post-Dispatch, the Los Angeles Times, and many others; and

Whereas, Resolutions demanding action to return to Glass-Steagall protections have been introduced in over 25 states since 2013. Maine and South Dakota passed resolutions on the matter in both chambers of their legislatures in 2013. Alabama and Indiana houses of representatives

adopted resolutions urging action to reinstate Glass-Steagall in the same year. Most recently, the Ohio House of Representatives introduced a resolution in its current session; and

Whereas, Overwhelming pressure must be brought to bear on members of the United States House of Representatives and the United States Senate to take action to pass this important legislation; therefore, be it

Resolved by the House of Delegates:

That we, in adopting this resolution, urge the United States Congress and the President of the United States to enact legislation that, in order to prevent American taxpayers from being called upon to fund hundreds of billions of dollars to bail out financial institutions, would reinstate the separation of commercial and investment banking functions that was in effect under the Glass-Steagall Act, prohibiting commercial banks and bank holding companies from investing in stocks, from underwriting securities, and from investing in or acting as guarantors to derivative transaction; and, be it

Further Resolved, That the Clerk of the West Virginia House of Delegates is hereby requested to distribute a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia congressional delegation.

Delegates Thompson, Hicks, Rodighiero, R. Miller, Eldridge, Marcum and Lovejoy offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 71 - "Requesting that the Division of Highways name bridge number 50-37-22.70 (50A076) (38.16807, -82.37858), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the 'U. S. Army CPL Lee Roy Young Memorial Bridge'."

Whereas, U. S. Army CPL Lee Roy Young was born in 1933 in Genoa, Wayne County, West Virginia; and

Whereas, CPL Young joined the United States Army and served with the 8th Cavalry Regiment, 1st Cavalry Division, in the Chorwon Area in the Korean War; and

Whereas, CPL Young was seriously wounded while fighting the enemy in South Korea on May 26, 1951. He returned to duty on May 29, 1951; and

Whereas, CPL Young was killed in action while fighting the enemy in North Korea on October 17, 1951. He is buried in the Young Family Cemetery in Genoa, Wayne County, West Virginia.

Whereas, Naming this bridge is an appropriate recognition of CPL Young's contributions and sacrifice to his country and to the State of West Virginia—the state of his birth; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-37-22.70 (50A076) (38.16807, -82.37858), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the "U. S. Army CPL Lee Roy Young Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army CPL Lee Roy Young Memorial Bridge"; and, be it

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

Delegates A. Evans, Rowan, R. Romine and Hamilton offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 75 - "Requesting the Division of Highways name WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the 'PVT George Howell, Continental Army Memorial Highway'."

Whereas, PVT George Howell was an early settler of Hampshire County, Virginia (now West Virginia). In June 1775, following the outbreak of the American Revolutionary war, the Second Continental Congress formed the Continental Army. The Continental Army was comprised of local militias and troops from throughout the colonies that became the United States of America; and

Whereas, PVT George Howell joined the Continental Army, which was led by General George Washington. PVT George Howell died while in the service of the United States. His widow was awarded 10 pounds per year; and

Whereas, PVT George Howell's service in Hampshire County, contributed to the winning of the Revolutionary War and our nation's freedom; and

Whereas, It is fitting that an enduring memorial be established to commemorate PVT George Howell's 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 WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the "PVT George Howell, Continental Army Memorial Highway"; 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 "PVT George Howell, Continental Army Memorial Highway"; and, be it

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

Delegates Rowe, Robinson, Pushkin, Byrd, Lane and White offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 76 - "Requesting the Division of Highways to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV 61 over the Fields Creek in Kanawha County, the 'U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge'."

Whereas, Michael Linn Cooper, the son of Joseph A. and Eula T. Cooper of Chesapeake, Kanawha County, West Virginia, was born March 1, 1949; and

Whereas, Michael Linn Cooper enlisted in the United States Marine Corps on August 9, 1967, in Ashland, Kentucky; and

Whereas, LCpl Michael Linn Cooper arrived in Vietnam on February 16, 1968, where he began serving with Company E, 2nd Battalion, 27th Marines, 1st Marine Division, (REIN) FMF; and

Whereas, During the month of August the battalion continued to patrol the "Rocket Belt" of their area of responsibility that surrounded the Da Nang Military Complex in Quang Nam Province; and

Whereas, On August 24, 1968, during an ongoing joint operation with the 51st ARVN Regiment in the vicinity of the Qua Giang village complex and the Cam Le Bridge the Marines engaged the enemy in battle. During the fire fight Lance Corporal Michael Linn Cooper was killed in action after receiving multiple fragmentation wounds; and

Whereas, It is appropriate to honor this Marine and his family for their sacrifice to the nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV 61 over the Fields Creek in Kanawha County, the "U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed at both ends of the bridge signs identifying the bridge as the "U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge" and, be it

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

Delegates R. Miller, Rodighiero, Eldridge and Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 77 - "Requesting the Division of Highways to name a portion of West Virginia Route 85, Pond Fork Road, near Wharton, Boone County, West Virginia, beginning at the intersection of Secondary Rt. 11/1, James Creek Rd., and West Virginia Route 85, and traveling approximately 2.1 miles, between Bald Knob and Wharton, the 'Deputy Sheriff Jesse R. Browning Memorial Road'."

Whereas, Deputy Sheriff Jesse R. Browning was born September 12, 1878, in Bald Knob, Boone County, West Virginia, to Benjamin H. and Venila Browning; and

Whereas, Deputy Browning was the younger sibling to a brother Joseph Andrew Browning, who served as a West Virginia State Senator, and grew up in Bald Knob, Boone County, West Virginia; and

Whereas, On April 7, 1917, at 2:00 p.m., Deputy Browning was guarding an inmate in custody at the Boone County Jail in Madison, WV; and

Whereas, While guarding the inmate, he was attacked. The inmate obtained control of Deputy Browning's firearm and shot the Deputy twice, once in the abdomen and once in the face; and

Whereas, The inmate escaped the confines of the jail, running from Madison into the Town of Danville, as he exchanged shots with several citizens who pursued the escapee until his capture after emptying the deputy's firearm, whereupon he was ultimately transferred to the asylum in Weston, West Virginia; and

Whereas, Deputy Browning was taken to the Kanawha Valley Hospital in Charleston, West Virginia, by train the following morning where he clung onto life for several days until he passed from the Earth on April 15, 1917, leaving behind a wife, Orpha Pauley Browning, and seven children:

Glenn, Marie, Gladys, Dennis, Clyde, Dassie, and Georgia. At the time of his death, Deputy Browning's youngest child was only three months old. He was predeceased by a son, Alvin Browning; and

Whereas, At risk of losing his life, he showed never-ending bravery, ingenuity, and resolve to fight for the safety of his fellow citizens of Boone County until he left this earth; and

Whereas, Deputy Sheriff Jesse R. Browning's body lies in a grave on a remote hillside in Barrett, W.Va., overlooking West Virginia Route 85; and

Whereas, All of his children remained life-long residents of West Virginia; and

Whereas, Deputy Sheriff Jesse R. Browning's descendants include 36 grandchildren and many great grandchildren. Several of these have been behind the effort to have their grandfather recognized for his service and sacrifice to Boone County, West Virginia; and

Whereas, At 38 years of age, having served Boone County and the State of West Virginia for 15 years, Deputy Sheriff Jesse R. Browning was a young man who devoted his life to his county and gave his life fighting for the safety that we all enjoy because of men and women like him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of West Virginia Route 85, Pond Fork Road, near Wharton, Boone County, West Virginia, beginning at the intersection of Secondary Rt. 11/1, James Creek Rd., and West Virginia Route 85, and traveling approximately 2.1 miles, between Bald Knob and Wharton, the "Deputy Sheriff Jesse R. Browning Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends of the road identifying the road as the "Deputy Sheriff Jesse R. Browning Memorial Road"; and, be it

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

Delegates Kelly, Anderson, Atkinson, Hollen, Deem, Criss, Harshbarger, Cooper, Longstreth, laquinta and Hartman offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 78 - "Requesting the Division of Highways to name bridge number 54-1-1.97 (54A001), locally known as Waverly Road Bridge, carrying County Route 1 over the Carpenter Run in Wood County the 'U. S. Marine Corps PFC Danny Marshall Memorial Bridge'."

Whereas, U. S. Marine Corps PFC Danny Marshall was born March 9, 1957, in Parkesburg, West Virginia. He grew up in Waverly and attended Waverly Elementary School and Williamstown High School. Danny was one of eight children of Mrs. Faye Marie Marshall Kemp (deceased January 2009). His brothers and sisters are: Barbara Phillis (Williamstown, WV), Robert (New York), Joey (Parkersburg, WV), Dale (deceased), Dorothy Miller (Marietta, OH), Rex (deceased), and Susan Evans (Marietta, OH). Robert and Joey also served, in the Army and Navy respectively. Danny was an active youth and outdoorsman. He enjoyed wrestling while at Williamstown High and earned several trophies; and

Whereas, At age 17, Danny joined the Marine Corps in 1974. In 1975 he was based in Okinawa, and his unit would be called upon to rescue the crew of a merchant ship captured by the ruthless Cambodian communists who perpetrated the Killing Fields, the Khmer Rouge. U. S. Marine Corps PFC Danny Marshall and another marine were captured and taken to the mainland for interrogation at a former Buddhist temple called Wat In Nean near Sihanoukville. After a week of interrogation and torture, they were killed and buried on the temple grounds. His death date is uncertain, so has been designated by the family as May 15, 1975. He was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Phelps and seven other marines who also gave their lives for their country; and

Whereas, Naming the bridge across Carpenter Run near Waverly in Wood County, the "U. S. Marine Corps PFC Danny Marshall Memorial Bridge" is an appropriate recognition of his contributions to his country, state, community and Wood County; therefore, be it,

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 54-1-1.97 (54A001), locally known as Waverly Road Bridge, carrying County Route 1 over the Carpenter Run in Wood County. the "U. S. Marine Corps PFC Danny Marshall Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the U. S. Marine Corps PFC Danny Marshall Memorial Bridge"; and, be it

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

Delegate Sponaugle offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 79 - "Requesting the Division of Highways to name bridge number 16-48-54 EB & WB (16A132, 16A133), locally known as the Sauerkraut Run Bridges, carrying US 48 (EB & WB) over Sauerkraut Run & CR 23/8 in Hardy County, the 'John and Wilbur Hahn Dutch Hollow Pioneers Bridge'."

Whereas, John and Wilbur Hahn, the youngest sons of Lorenza and Amanda Rebecca Michael Hahn, family of five girls and three boys, went to school at Maple Grove, where they only had school for about four months. The Hahns trace their ancestry back to the Rhine Valley of Germany and immigrants from there who arrived in the United States sometime in the mid-to late 1800's. The Hahns came over on a boat with members of the Michael family, and branches of both families settled in Dutch Hollow. They farmed and, when the demand arose, cut timber in the woods around their homesteads. John is deceased and Wilbur, (age 89 has recently had a leg amputated), carried on that pioneering tradition of farming and pulpwood sawmill from 1939. They owned and operated a small gasoline-powered sawmill on their farm, with some help from John's son Mickey in Dutch Hollow, Hardy County, despite the changes brought to the industry by modern technology. The brothers have remained part of a close-knit family, still enjoying Sunday dinners with relatives at the Hahn farmhouse, located near the site of the sawmill; and

Whereas, Naming that bridge on Route 259 (Corridor H) crossing Sauerkraut Road at Dutch Hollow in Hardy County, the "John and Wilbur Hahn Dutch Hollow Pioneers Bridge" is an appropriate

recognition of their family's pioneering contributions to their state, community and Hardy County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 16-48-54 EB & WB (16A132, 16A133), locally known as the Sauerkraut Run Bridges, carrying US 48 (EB & WB) over Sauerkraut Run & CR 23/8 in Hardy County, the "John and Wilbur Hahn Dutch Hollow Pioneers Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "John and Wilbur Hahn Dutch Hollow Pioneers Bridge"; and, be it

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

Delegates Rowe, Robinson and White offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 80 - "Requesting Division of Highways to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the 'U. S. Army SGT Tommy Meadows Memorial Road'."

Whereas, Sergeant Meadows was born on February 17, 1948, in Charleston and passed away on March 5, 2017; and

Whereas, Sergeant Meadows was president of his class for Sophomore, Junior and Senior years at DuPont High School; and

Whereas, Sergeant Meadows served in the United States Army from 1968 to 1970; and

Whereas, While serving in Vietnam Sergeant Meadows was exposed to Agent Orange, which eventually contributed to his death; and

Whereas, Sergeant Meadows served as a Kanawha County Deputy Sheriff for five years; and

Whereas, Sergeant Meadows retired from Union Carbide with a disability because of exposure to Agent Orange; and

Whereas, Sergeant Meadows was an officer and active member of Charleston Moose 1444; and

Whereas, Sergeant Meadows was a volunteer with Community of Rand Association performing community services for the betterment of Rand; and

Whereas, Sergeant Meadows bought and delivered meals to senior citizens in the area and was forever lending assistance to anyone in need; and

Whereas, It is fitting that a proper memorial be established for this man who so ably served his country and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the "U. S. Army SGT Tommy Meadows Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the highway as the "U. S. Army SGT Tommy Meadows Memorial Road"; and, be it

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

Delegates Pushkin, Rowe and Fleischauer offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 81 - "Proposing to rescind H. C. R. 36 passed by the Regular Session of the Legislature 2016, applying for an Article V Amendments Convention to Propose a Constitutional Amendment."

Whereas, The 2016 Regular Session of the Legislature on February 6, 2016, passed H. C. R. 36 making formal application to Congress to call an Article V constitutional convention, or convention of the states, for the sole purpose of altering the Constitution of the United States of America; and

Whereas, Article V of the Constitution of the United States reserves exclusively to Congress the federal authority to call a constitutional convention, or convention of the states; and

Whereas, The Supreme Court of the United States ruled that Congress alone reserves the power to "deal with subsidiary matters of detail and Article V is no exception to the rule", including matters regarding convention delegates and constitutional conventions called by Congress under Article V; and

Whereas, Article V of the Constitution of the United States declares the "Mode of Ratification" of amendments arising from a constitutional convention, or convention of the states, shall be determined not by the states or by the delegates, but by Congress; and

Whereas, The States have no authority to impose any penalty, sanction, or limitation on convention delegates, for such delegates represent the "People", and the sovereign "Right of the People to alter or to abolish [their Government], and to institute new Government"; and

Whereas, The States have no constitutional authority to establish, or to predetermine, the rules of order or operational aspects of a constitutional convention, or convention of the states, called by Congress under Article V of the Constitution of the United States; and

Whereas, James Madison wrote in The Federalist No. 43 that Article V of the Constitution of the United States should be utilized only for repairing "discovered [constitutional] faults" or for "amendment of [constitutional] errors"; and

Whereas, Nothing in Article V of the Constitution of the United States provides for, nor can any state application guarantee, equal suffrage or equal franchise, to each state at the constitutional convention, or convention of the states; and

Whereas, Nothing in Article V of the Constitution of the United States limits the constitutional convention, or convention of the states, to any specific topic or to any specific list of topics; and

Whereas, Nothing in Article V of the Constitution of the United States guarantees, nor can any state application guarantee, state legislatures the right to a ratification vote on amendments arising from a constitutional convention, or convention of the states; and

Whereas, The West Virginia Legislature joins the legislatures of the States of Delaware, Idaho, Maryland, Nevada, New Mexico, Oregon, South Carolina, South Dakota and Virginia, who, having recently rescinded their Article V balanced budget applications, no longer support a Congressional call for a constitutional convention, or convention of the states; therefore, be it

Resolved by the Legislature of West Virginia:

That H. C. R. 36 passed by the 2016 Regular Session of the Legislature, be rescinded; and, be it

Further Resolved, That the Clerk of the House of Delegates forward copies of this resolution to the President and Secretary of the United States Senate, to the Speaker and Secretary of the United States House of Representatives, the members of the West Virginia Congressional Delegation, and to the presiding officers of each house of the several State Legislatures, attesting the adoption of this resolution by the West Virginia Legislature.

Delegates Gearheart, Shott, Ellington and Paynter offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 82 - "Designating Mercer County, McDowell County, Mingo County, Logan County, Wyoming County, Lincoln County, Boone County and Wayne County as an ATV Recreation Area."

Whereas, Mercer County and McDowell County are the southern gateway to the Hatfield-McCoy Regional Trail Authority in West Virginia because of the Interstate 77, and Mingo County, Logan County, Wyoming County, Lincoln County, Boone County and Wayne Counties are the western gateway to the Hatfield-McCoy Regional Trail because of the Kentucky border; and

Whereas, The Mercer County Convention and Visitors Bureau and Hatfield-McCoy Convention and Visitors Bureau have entered into a partnership with the Hatfield-McCoy Regional Trail Authority to utilize an Appalachian Regional Commission federal POWER grant which will enhance marketing efforts for ATV tourism in the region; and

Whereas, Nearly 40,000 trail passes for the Hatfield-McCoy Regional Trail Authority were sold in 2016 to visitors from across the United States and Canada. The Hatfield-McCoy Regional Trail Authority is a leading location for outdoor, off-road adventure in the Eastern United States and has built high name recognition among outdoor enthusiasts. A recreation area designation will help market the area as a premier destination for outdoor riders from all over the county and help with marketing efforts by the state and local convention bureaus; and

Whereas, Hotel Occupancy Taxes are up 5.6 percent in 2016-2017 in Mercer County due to the opening of new lodging facilities and the higher occupancy rates at existing facilities. The Mercer County Convention and Visitors Bureau and the Hatfield-McCoy Convention and Visitors Bureau has built partnerships with entities such as county commissions, local Chambers of Commerce, and area municipalities in an effort to recognize ATV tourism as the leading tourism activity in the region, and seek to assist entrepreneurs establish businesses in these area, and diversify the local economy providing new business ventures for residents in the hospitality and tourism industry; therefore, be it

Resolved by the Legislature of West Virginia:

That Mercer County, McDowell County, Wyoming County, be designated as an ATV Recreational Area; and, be it

Further Resolved, That the Commissioner of Highways and the Executive Director of the West Virginia Tourism Office cause appropriate signage to be installed and maintained to properly designate the recreational area; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways and the Executive Director of the West Virginia Tourism Office.

Delegates Cooper, Ambler, Harshbarger, Pack, Hollen, Foster, Maynard, Paynter, Walters and Wilson offered the following resolution, which was read by its title and referred to the Committee on Roads and Transportation then Rules:

H. C. R. 83 - "Requesting the Division of Highways to name a portion of WV 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the 'Vietnam Veterans Memorial Highway'."

Whereas, The members of Vietnam Veterans of America, Chapter 1108, of Union, West Virginia, seek to honor the service of Vietnam veterans from all branches of our nation's military; and

Whereas, The Members of Vietnam Veterans of America, Chapter 1108, request that a portion of WV 3 be dedicated to the memory of these men and women; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of WV 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the "Vietnam Veterans Memorial Highway"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends of the road identifying the road as the "Vietnam Veterans Memorial Highway"; and, be it

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

Special Calendar

Third Reading

Com. Sub. for H. B. 4001, Relating to eligibility and fraud requirements for public assistance; on third reading, coming up in regular order, was read a third time.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 159**), and there were, including pairs-yeas 78, nays 19, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Capito Nay: Byrd

Nays: Bates, Caputo, Eldridge, E. Evans, Fleischauer, Fluharty, Hicks, Hornbuckle, Iaquinta, Love, Lovejoy, R. Miller, Pushkin, Pyles, Robinson, Rowe, Thompson and Williams.

Absent and Not Voting: Deem, Lane and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4001) passed.

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

Com. Sub. for H. B. 4042, Redefining school zone to facilitate placement of school zone signs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 160**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4042) passed.

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

Com. Sub. for H. B. 4157, Eliminating the refundable exemption for road construction contractors; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 161**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4157) passed.

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

On this question, the yeas and nays were taken (**Roll No. 162**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4157) takes effect from its passage.

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

H. B. 4285, Relating to the West Virginia Safe Mortgage Licensing Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 163**), and there were—yeas 90, nays 5, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Folk, Howell, McGeehan and Summers.

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4285) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

H. B. 4285 - “A Bill to amend and reenact §31-17A-4, §31-17A-6 and §31-17A-9 of the Code of West Virginia, 1931, as amended, all relating to the licensing requirements of mortgage loan originators; increasing the number of hours of education required for licensure and to meet continuing education requirements; and increasing the licensure application fee.”

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

Com. Sub. for H. B. 4304, Creating the Board of Nursing; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 164**), and there were, including pairs—yeas 70, nays 27, absent and not voting 3, with the paired, nays and absent and not voting being as follows:

Nays: Barrett, Boggs, Brewer, Canestraro, Caputo, Diserio, Eldridge, E. Evans, Ferro, Folk, Hicks, Hornbuckle, Iaquinta, Isner, Lovejoy, Lynch, McGeehan, Miley, R. Miller, Pethtel, Pyles, Rowe, Sponaule, Thompson and Williams.

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Capito Nay: Zatezalo

Yea: Lane Nay: Marcum

Absent and Not Voting: Deem, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4304) passed.

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

H. B. 4324, Relating to the employment of individuals by municipal paid fire departments under civil service; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 165**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4324) passed.

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

H. B. 4379, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 166**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4379) passed.

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

On this question, the yeas and nays were taken (**Roll No. 167**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4379) takes effect from its passage.

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

Com. Sub. for H. B. 4401, Relating to the registration of business; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 168**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4401) passed.

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

On this question, the yeas and nays were taken (**Roll No. 169**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Lane, C. Miller and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4401) takes effect from its passage.

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

Com. Sub. for H. B. 4428, Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 170**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4428) passed.

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

Com. Sub. for H. B. 4428 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; providing for creation of lists of existing apprenticeships, certifications and other credentials that reflect existing workforce needs and for dissemination to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination in manner easily accessible to both students and their parents.”

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

H. B. 4436, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 171**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4436) passed.

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

H. B. 4488, Relating to the Hatfield-McCoy Recreation Authority; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 172**), and there were—yeas 83, nays 13, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Dean, Eldridge, E. Evans, Folk, Hicks, Hornbuckle, Marcum, Maynard, McGeehan, Paynter, Rodighiero, Sobonya and Thompson.

Absent and Not Voting: Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4488) passed.

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

Com. Sub. for H. B. 4522, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 173**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Upson and Wilson.

Absent and Not Voting: Boggs, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4522) passed.

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

H. B. 4622, Relating to authorizing legislative rules regarding higher education; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 174**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Folk and Walters.

Absent and Not Voting: Boggs, Deem, Lane, C. Miller and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4622) passed.

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

At 2:04 p.m., on motion of Delegate Cowles, the House of Delegates recessed until 6:30 p.m.

* * * * *

Evening Session

* * * * *

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with further amendment, and the passage, as amended, to take effect July 1, 2018, of

Com. Sub. for S. B. 267, Increasing salaries of certain state employees.

Delegate Cowles moved that the House concur in the following amendment by the Senate:

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

"CHAPTER 15. PUBLIC SAFETY

ARTICLE 2. WEST VIRGINIA STATE POLICE.

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

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

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

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

(d) Beginning on ~~July 1, 2011~~ July 1, 2018, members shall receive annual salaries payable at least twice per month as follows:

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~SUPERVISORY AND NONSUPERVISORY RANKS~~

Cadet During Training.....	\$ 33,994
Cadet Trooper After Training.....	\$ 41,258
Trooper Second Year.....	42,266
Trooper Third Year.....	42,649
Senior Trooper.....	43,048
Trooper First Class.....	43,654
Corporal.....	44,260
Sergeant.....	48,561
First Sergeant.....	50,712
Second Lieutenant.....	52,862
First Lieutenant.....	55,013
Captain.....	57,164
Major.....	59,314
Lieutenant Colonel.....	61,465

~~ANNUAL SALARY SCHEDULE (BASE PAY)~~

~~ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION~~

I.....	42,266
II.....	43,048
III.....	43,654
IV.....	44,260
V.....	48,561
VI.....	50,712
VII.....	52,862

VIII	55,013
ANNUAL SALARY SCHEDULE (BASE PAY)	
GRIMINALIST CLASSIFICATION	
I	42,266
II	43,048
III	43,654
IV	44,260
V	48,561
VI	50,712
VII	52,862
VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)
SUPERVISORY AND NONSUPERVISORY RANKS

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

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

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

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

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

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

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

(e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with the West Virginia

State Police, the member shall receive a salary increase of \$500 to be effective during his or her next year of service and a like increase at yearly intervals thereafter, with the increases to be cumulative.

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

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

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

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

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

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

(j) Any member of the West Virginia State Police who is called to perform active duty training or inactive duty training in the National Guard or any reserve component of the armed forces of the United States annually shall be granted, upon request, leave time not to exceed 30 calendar days for the purpose of performing the active duty training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia State Police.

CHAPTER 18. EDUCATION.**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.****§18-9A-8. Foundation allowance for professional student support services.**

(a) The basic foundation allowance to the county for professional student support personnel shall be the amount of money determined in accordance with the following:

(1) The sum of the state minimum salaries, as determined in accordance with the provisions of article four, chapter eighteen of this code, for all state aid eligible school nurse and counselor positions in the county during the two thousand eight fiscal year which number shall be reduced in the same proportion as the number of professional educators allowed to be funded under section four of this article to the total number of professional educators employed that are state aid eligible. In performing this calculation, the numerator shall be the number of professional educators actually funded under section four of this article and the denominator shall be the total number of professional educators employed that are eligible to be funded under section four of this article;

(2) The amount derived from the calculation in subdivision (1) of this subsection is increased by one half percent;

(3) The amount derived from the calculation in subdivision (2) of this subsection is the basic foundation allowance to the county for professional student support personnel for the two thousand nine fiscal year;

(4) For fiscal years two thousand ten, two thousand eleven, two thousand twelve and two thousand thirteen, the basic foundation allowance to the county for professional student support personnel increases by one-half percent per year over the allowance for the previous year; and

(5) For all fiscal years thereafter, the basic foundation allowance to the county for professional student support personnel remains the same amount as in the two thousand thirteen fiscal year, plus any additional amount of funding necessary to cover the increases in the State Minimum Salary Schedule set forth in §18A-4-2 of this code effective for the fiscal year beginning July 1, 2018, and thereafter.

(b) The additional positions for counselors that may be created as a result of the one percent increase provided pursuant to this section shall be assigned to schools where the counselor can:

- (1) Enhance student achievement;
- (2) Provide early intervention for students in grades prekindergarten through five; and
- (3) Enhance student development and career readiness.

CHAPTER 18A. SCHOOL PERSONNEL.**ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.****§18A-4-2. State minimum salaries for teachers.**

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

(b) ~~Beginning July 1, 2014~~ (1) For school year 2018 – 2019, and continuing thereafter, each teacher shall receive the amount prescribed in the ~~state~~ State Minimum Salary Schedule as set forth in this section; ~~specific additional amounts prescribed in this section or article;~~ and any county supplement in effect in a county pursuant to ~~section five-a of this article~~ §18A-4-5a of this code during the contract year.

STATE MINIMUM SALARY SCHEDULE

Years	4 th	3 rd	2 nd	A.B.		M.A.		M.A.		Dec-
Exp.	Class	Class	Class	A.B.	+15	M.A.	+15	+30	+45	terate
0	27,917	28,606	28,872	30,315	31,076	32,843	33,604	34,365	35,126	36,164
1	28,245	28,934	29,200	30,833	31,594	33,362	34,123	34,883	35,644	36,679
2	28,574	29,262	29,528	31,352	32,113	33,880	34,641	35,402	36,163	37,198
3	28,902	29,590	29,856	31,871	32,631	34,399	35,160	35,920	36,681	37,716
4	29,474	30,162	30,428	32,633	33,394	35,162	35,923	36,683	37,444	38,479
5	29,802	30,490	30,756	33,152	33,913	35,680	36,441	37,202	37,963	38,998
6	30,130	30,818	31,084	33,670	34,431	36,199	36,960	37,720	38,481	39,516
7	30,458	31,147	31,412	34,189	34,950	36,717	37,478	38,239	39,000	40,035
8	30,786	31,475	31,741	34,707	35,468	37,236	37,997	38,757	39,518	40,553
9	31,114	31,803	32,069	35,226	35,987	37,754	38,515	39,276	40,037	41,072
10	31,443	32,131	32,397	35,746	36,506	38,274	39,035	39,796	40,556	41,591
11	31,771	32,459	32,725	36,264	37,025	38,793	39,553	40,314	41,075	42,110
12	32,099	32,787	33,053	36,783	37,543	39,311	40,072	40,833	41,593	42,628
13	32,427	33,115	33,381	37,301	38,062	39,830	40,590	41,351	42,112	43,147
14	32,755	33,443	33,709	37,820	38,580	40,348	41,109	41,870	42,630	43,665
15	33,083	33,771	34,037	38,338	39,099	40,867	41,627	42,388	43,149	44,184
16	33,411	34,099	34,365	38,857	39,617	41,385	42,146	42,907	43,667	44,702

17	33,739	34,428	34,693	39,375	40,136	41,904	42,665	43,425	44,186	45,224
18	34,067	34,756	35,022	39,894	40,655	42,422	43,183	43,944	44,705	45,740
19	34,395	35,084	35,350	40,412	41,173	42,941	43,702	44,462	45,223	46,258
20	34,723	35,412	35,678	40,931	41,692	43,459	44,220	44,981	45,742	46,777
21	35,052	35,740	36,006	41,449	42,210	43,978	44,739	45,499	46,260	47,295
22	35,380	36,068	36,334	41,968	42,729	44,496	45,257	46,018	46,779	47,814
23	35,708	36,396	36,662	42,487	43,247	45,015	45,776	46,536	47,297	48,332
24	36,036	36,724	36,990	43,005	43,766	45,534	46,294	47,055	47,816	48,851
25	36,364	37,052	37,318	43,524	44,284	46,052	46,813	47,574	48,334	49,369
26	36,692	37,380	37,646	44,042	44,803	46,571	47,331	48,092	48,853	49,888
27	37,020	37,708	37,974	44,561	45,321	47,089	47,850	48,611	49,371	50,406
28	37,348	38,037	38,302	45,079	45,840	47,608	48,368	49,129	49,890	50,925
29	37,676	38,365	38,631	45,598	46,358	48,126	48,887	49,648	50,408	51,443
30	38,004	38,693	38,959	46,116	46,877	48,645	49,405	50,166	50,927	51,962
31	38,333	39,021	39,287	46,635	47,396	49,163	49,924	50,685	51,445	52,480
32	38,661	39,349	39,615	47,153	47,914	49,682	50,443	51,203	51,964	52,999
33	38,989	39,677	39,943	47,672	48,433	50,200	50,961	51,722	52,483	53,518
34	39,317	40,005	40,271	48,190	48,951	50,719	51,480	52,240	53,001	54,036
35	39,645	40,333	40,599	48,709	49,470	51,237	51,998	52,759	53,520	54,555

<u>Years</u>	<u>4th</u>	<u>3rd</u>	<u>2nd</u>	<u>A.B.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>M.A.</u>	<u>Doc-</u>		
<u>Exp</u>	<u>Class</u>	<u>Class</u>	<u>Class</u>	<u>A.B.</u>	<u>+ 15</u>	<u>M.A.</u>	<u>+ 15</u>	<u>+ 30</u>	<u>+ 45</u>	<u>torate</u>

<u>0</u>	<u>28,725</u>	<u>29,414</u>	<u>29,680</u>	<u>31,123</u>	<u>31,884</u>	<u>33,651</u>	<u>34,412</u>	<u>35,173</u>	<u>35,934</u>	<u>36,969</u>
<u>1</u>	<u>29,053</u>	<u>29,742</u>	<u>30,008</u>	<u>31,641</u>	<u>32,402</u>	<u>34,170</u>	<u>34,931</u>	<u>35,691</u>	<u>36,452</u>	<u>37,487</u>
<u>2</u>	<u>29,382</u>	<u>30,070</u>	<u>30,336</u>	<u>32,160</u>	<u>32,921</u>	<u>34,688</u>	<u>35,449</u>	<u>36,210</u>	<u>36,971</u>	<u>38,006</u>
<u>3</u>	<u>29,710</u>	<u>30,398</u>	<u>30,664</u>	<u>32,679</u>	<u>33,439</u>	<u>35,207</u>	<u>35,968</u>	<u>36,728</u>	<u>37,489</u>	<u>38,524</u>

<u>4</u>	<u>30,282</u>	<u>30,970</u>	<u>31,236</u>	<u>33,441</u>	<u>34,202</u>	<u>35,970</u>	<u>36,731</u>	<u>37,491</u>	<u>38,252</u>	<u>39,287</u>
<u>5</u>	<u>30,610</u>	<u>31,298</u>	<u>31,564</u>	<u>33,960</u>	<u>34,721</u>	<u>36,488</u>	<u>37,249</u>	<u>38,010</u>	<u>38,771</u>	<u>39,806</u>
<u>6</u>	<u>30,938</u>	<u>31,626</u>	<u>31,892</u>	<u>34,478</u>	<u>35,239</u>	<u>37,007</u>	<u>37,768</u>	<u>38,528</u>	<u>39,289</u>	<u>40,324</u>
<u>7</u>	<u>31,266</u>	<u>31,955</u>	<u>32,220</u>	<u>34,997</u>	<u>35,758</u>	<u>37,525</u>	<u>38,286</u>	<u>39,047</u>	<u>39,808</u>	<u>40,843</u>
<u>8</u>	<u>31,594</u>	<u>32,283</u>	<u>32,549</u>	<u>35,515</u>	<u>36,276</u>	<u>38,044</u>	<u>38,805</u>	<u>39,565</u>	<u>40,326</u>	<u>41,361</u>
<u>9</u>	<u>31,922</u>	<u>32,611</u>	<u>32,877</u>	<u>36,034</u>	<u>36,795</u>	<u>38,562</u>	<u>39,323</u>	<u>40,084</u>	<u>40,845</u>	<u>41,880</u>
<u>10</u>	<u>32,251</u>	<u>32,939</u>	<u>33,205</u>	<u>36,554</u>	<u>37,314</u>	<u>39,082</u>	<u>39,843</u>	<u>40,604</u>	<u>41,364</u>	<u>42,399</u>
<u>11</u>	<u>32,579</u>	<u>33,267</u>	<u>33,533</u>	<u>37,072</u>	<u>37,833</u>	<u>39,601</u>	<u>40,361</u>	<u>41,122</u>	<u>41,883</u>	<u>42,918</u>
<u>12</u>	<u>32,907</u>	<u>33,595</u>	<u>33,861</u>	<u>37,591</u>	<u>38,351</u>	<u>40,119</u>	<u>40,880</u>	<u>41,641</u>	<u>42,401</u>	<u>43,436</u>
<u>13</u>	<u>33,235</u>	<u>33,923</u>	<u>34,189</u>	<u>38,109</u>	<u>38,870</u>	<u>40,638</u>	<u>41,398</u>	<u>42,159</u>	<u>42,920</u>	<u>43,955</u>
<u>14</u>	<u>33,563</u>	<u>34,251</u>	<u>34,517</u>	<u>38,628</u>	<u>39,388</u>	<u>41,156</u>	<u>41,917</u>	<u>42,678</u>	<u>43,438</u>	<u>44,473</u>
<u>15</u>	<u>33,891</u>	<u>34,579</u>	<u>34,845</u>	<u>39,146</u>	<u>39,907</u>	<u>41,675</u>	<u>42,435</u>	<u>43,196</u>	<u>43,957</u>	<u>44,992</u>
<u>16</u>	<u>34,219</u>	<u>34,907</u>	<u>35,173</u>	<u>39,665</u>	<u>40,425</u>	<u>42,193</u>	<u>42,954</u>	<u>43,715</u>	<u>44,475</u>	<u>45,510</u>
<u>17</u>	<u>34,547</u>	<u>35,236</u>	<u>35,501</u>	<u>40,183</u>	<u>40,944</u>	<u>42,712</u>	<u>43,473</u>	<u>44,233</u>	<u>44,994</u>	<u>46,029</u>
<u>18</u>	<u>34,875</u>	<u>35,564</u>	<u>35,830</u>	<u>40,702</u>	<u>41,463</u>	<u>43,230</u>	<u>43,991</u>	<u>44,752</u>	<u>45,513</u>	<u>46,548</u>
<u>19</u>	<u>35,203</u>	<u>35,892</u>	<u>36,158</u>	<u>41,220</u>	<u>41,981</u>	<u>43,749</u>	<u>44,510</u>	<u>45,270</u>	<u>46,031</u>	<u>47,066</u>
<u>20</u>	<u>35,531</u>	<u>36,220</u>	<u>36,486</u>	<u>41,739</u>	<u>42,500</u>	<u>44,267</u>	<u>45,028</u>	<u>45,789</u>	<u>46,550</u>	<u>47,585</u>
<u>21</u>	<u>35,860</u>	<u>36,548</u>	<u>36,814</u>	<u>42,257</u>	<u>43,018</u>	<u>44,786</u>	<u>45,547</u>	<u>46,307</u>	<u>47,068</u>	<u>48,103</u>
<u>22</u>	<u>36,188</u>	<u>36,876</u>	<u>37,142</u>	<u>42,776</u>	<u>43,537</u>	<u>45,304</u>	<u>46,065</u>	<u>46,826</u>	<u>47,587</u>	<u>48,622</u>
<u>23</u>	<u>36,516</u>	<u>37,204</u>	<u>37,470</u>	<u>43,295</u>	<u>44,055</u>	<u>45,823</u>	<u>46,584</u>	<u>47,344</u>	<u>48,105</u>	<u>49,140</u>
<u>24</u>	<u>36,844</u>	<u>37,532</u>	<u>37,798</u>	<u>43,813</u>	<u>44,574</u>	<u>46,342</u>	<u>47,102</u>	<u>47,863</u>	<u>48,624</u>	<u>49,659</u>
<u>25</u>	<u>37,172</u>	<u>37,860</u>	<u>38,126</u>	<u>44,332</u>	<u>45,092</u>	<u>46,860</u>	<u>47,621</u>	<u>48,382</u>	<u>49,142</u>	<u>50,177</u>
<u>26</u>	<u>37,500</u>	<u>38,188</u>	<u>38,454</u>	<u>44,850</u>	<u>45,611</u>	<u>47,379</u>	<u>48,139</u>	<u>48,900</u>	<u>49,661</u>	<u>50,696</u>
<u>27</u>	<u>37,828</u>	<u>38,516</u>	<u>38,782</u>	<u>45,369</u>	<u>46,129</u>	<u>47,897</u>	<u>48,658</u>	<u>49,419</u>	<u>50,179</u>	<u>51,214</u>
<u>28</u>	<u>38,156</u>	<u>38,845</u>	<u>39,110</u>	<u>45,887</u>	<u>46,648</u>	<u>48,416</u>	<u>49,176</u>	<u>49,937</u>	<u>50,698</u>	<u>51,733</u>
<u>29</u>	<u>38,484</u>	<u>39,173</u>	<u>39,439</u>	<u>46,406</u>	<u>47,166</u>	<u>48,934</u>	<u>49,695</u>	<u>50,456</u>	<u>51,216</u>	<u>52,251</u>
<u>30</u>	<u>38,812</u>	<u>39,501</u>	<u>39,767</u>	<u>46,924</u>	<u>47,685</u>	<u>49,453</u>	<u>50,213</u>	<u>50,974</u>	<u>51,735</u>	<u>52,770</u>
<u>31</u>	<u>39,141</u>	<u>39,829</u>	<u>40,095</u>	<u>47,443</u>	<u>48,204</u>	<u>49,971</u>	<u>50,732</u>	<u>51,493</u>	<u>52,253</u>	<u>53,288</u>

<u>32</u>	<u>39,469</u>	<u>40,157</u>	<u>40,423</u>	<u>47,961</u>	<u>48,722</u>	<u>50,490</u>	<u>51,251</u>	<u>52,011</u>	<u>52,772</u>	<u>53,807</u>
<u>33</u>	<u>39,797</u>	<u>40,485</u>	<u>40,751</u>	<u>48,480</u>	<u>49,241</u>	<u>51,008</u>	<u>51,769</u>	<u>52,530</u>	<u>53,291</u>	<u>54,326</u>
<u>34</u>	<u>40,125</u>	<u>40,813</u>	<u>41,079</u>	<u>48,998</u>	<u>49,759</u>	<u>51,527</u>	<u>52,288</u>	<u>53,048</u>	<u>53,809</u>	<u>54,844</u>
<u>35</u>	<u>40,453</u>	<u>41,141</u>	<u>41,407</u>	<u>49,517</u>	<u>50,278</u>	<u>52,045</u>	<u>52,806</u>	<u>53,567</u>	<u>54,328</u>	<u>55,363</u>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) ~~Beginning July 1, 2014, For school year 2018 – 2019, and continuing thereafter,~~ the minimum monthly pay for each service employee whose employment is for a period of more than three and one-half hours a day shall be at least the amounts indicated in the ~~state~~ State Minimum Pay Scale Pay Grade and the minimum monthly pay for each service employee whose employment is for a period of three and one-half hours or less a day shall be at least one-half the amount indicated in the ~~state~~ State Minimum Pay Scale Pay Grade set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE

<u>Years</u>	<u>PAY GRADE</u>							
<u>Exp.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161
6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455

15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020
32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

YearsExp.PAY GRADE

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>1,704</u>	<u>1,725</u>	<u>1,767</u>	<u>1,820</u>	<u>1,873</u>	<u>1,936</u>	<u>1,968</u>	<u>2,041</u>
<u>1</u>	<u>1,736</u>	<u>1,758</u>	<u>1,799</u>	<u>1,852</u>	<u>1,906</u>	<u>1,969</u>	<u>2,000</u>	<u>2,074</u>
<u>2</u>	<u>1,769</u>	<u>1,790</u>	<u>1,832</u>	<u>1,885</u>	<u>1,938</u>	<u>2,001</u>	<u>2,033</u>	<u>2,106</u>

<u>3</u>	<u>1,801</u>	<u>1,823</u>	<u>1,865</u>	<u>1,918</u>	<u>1,971</u>	<u>2,034</u>	<u>2,066</u>	<u>2,139</u>
<u>4</u>	<u>1,834</u>	<u>1,856</u>	<u>1,897</u>	<u>1,950</u>	<u>2,003</u>	<u>2,067</u>	<u>2,098</u>	<u>2,173</u>
<u>5</u>	<u>1,867</u>	<u>1,888</u>	<u>1,930</u>	<u>1,983</u>	<u>2,036</u>	<u>2,099</u>	<u>2,131</u>	<u>2,205</u>
<u>6</u>	<u>1,899</u>	<u>1,921</u>	<u>1,964</u>	<u>2,016</u>	<u>2,069</u>	<u>2,132</u>	<u>2,164</u>	<u>2,238</u>
<u>7</u>	<u>1,933</u>	<u>1,953</u>	<u>1,996</u>	<u>2,048</u>	<u>2,101</u>	<u>2,165</u>	<u>2,196</u>	<u>2,271</u>
<u>8</u>	<u>1,966</u>	<u>1,986</u>	<u>2,029</u>	<u>2,081</u>	<u>2,134</u>	<u>2,197</u>	<u>2,229</u>	<u>2,303</u>
<u>9</u>	<u>1,998</u>	<u>2,019</u>	<u>2,062</u>	<u>2,115</u>	<u>2,167</u>	<u>2,230</u>	<u>2,261</u>	<u>2,336</u>
<u>10</u>	<u>2,031</u>	<u>2,052</u>	<u>2,094</u>	<u>2,147</u>	<u>2,199</u>	<u>2,264</u>	<u>2,295</u>	<u>2,369</u>
<u>11</u>	<u>2,064</u>	<u>2,085</u>	<u>2,127</u>	<u>2,180</u>	<u>2,232</u>	<u>2,296</u>	<u>2,328</u>	<u>2,401</u>
<u>12</u>	<u>2,096</u>	<u>2,118</u>	<u>2,159</u>	<u>2,213</u>	<u>2,266</u>	<u>2,329</u>	<u>2,360</u>	<u>2,434</u>
<u>13</u>	<u>2,129</u>	<u>2,150</u>	<u>2,192</u>	<u>2,245</u>	<u>2,298</u>	<u>2,361</u>	<u>2,393</u>	<u>2,467</u>
<u>14</u>	<u>2,162</u>	<u>2,183</u>	<u>2,225</u>	<u>2,278</u>	<u>2,331</u>	<u>2,394</u>	<u>2,426</u>	<u>2,499</u>
<u>15</u>	<u>2,194</u>	<u>2,216</u>	<u>2,257</u>	<u>2,310</u>	<u>2,363</u>	<u>2,427</u>	<u>2,458</u>	<u>2,532</u>
<u>16</u>	<u>2,227</u>	<u>2,248</u>	<u>2,290</u>	<u>2,343</u>	<u>2,396</u>	<u>2,459</u>	<u>2,491</u>	<u>2,565</u>
<u>17</u>	<u>2,259</u>	<u>2,281</u>	<u>2,324</u>	<u>2,376</u>	<u>2,429</u>	<u>2,492</u>	<u>2,524</u>	<u>2,598</u>
<u>18</u>	<u>2,292</u>	<u>2,314</u>	<u>2,356</u>	<u>2,408</u>	<u>2,461</u>	<u>2,525</u>	<u>2,556</u>	<u>2,631</u>
<u>19</u>	<u>2,326</u>	<u>2,346</u>	<u>2,389</u>	<u>2,441</u>	<u>2,494</u>	<u>2,557</u>	<u>2,589</u>	<u>2,663</u>
<u>20</u>	<u>2,358</u>	<u>2,379</u>	<u>2,422</u>	<u>2,475</u>	<u>2,527</u>	<u>2,590</u>	<u>2,622</u>	<u>2,697</u>
<u>21</u>	<u>2,391</u>	<u>2,411</u>	<u>2,454</u>	<u>2,507</u>	<u>2,559</u>	<u>2,623</u>	<u>2,654</u>	<u>2,731</u>
<u>22</u>	<u>2,424</u>	<u>2,445</u>	<u>2,487</u>	<u>2,540</u>	<u>2,592</u>	<u>2,656</u>	<u>2,688</u>	<u>2,763</u>
<u>23</u>	<u>2,456</u>	<u>2,478</u>	<u>2,520</u>	<u>2,573</u>	<u>2,626</u>	<u>2,690</u>	<u>2,722</u>	<u>2,797</u>
<u>24</u>	<u>2,489</u>	<u>2,510</u>	<u>2,552</u>	<u>2,605</u>	<u>2,658</u>	<u>2,724</u>	<u>2,755</u>	<u>2,831</u>
<u>25</u>	<u>2,522</u>	<u>2,543</u>	<u>2,585</u>	<u>2,638</u>	<u>2,692</u>	<u>2,756</u>	<u>2,789</u>	<u>2,863</u>
<u>26</u>	<u>2,554</u>	<u>2,576</u>	<u>2,617</u>	<u>2,672</u>	<u>2,726</u>	<u>2,790</u>	<u>2,821</u>	<u>2,897</u>
<u>27</u>	<u>2,587</u>	<u>2,608</u>	<u>2,650</u>	<u>2,704</u>	<u>2,758</u>	<u>2,822</u>	<u>2,855</u>	<u>2,930</u>
<u>28</u>	<u>2,620</u>	<u>2,641</u>	<u>2,684</u>	<u>2,738</u>	<u>2,792</u>	<u>2,856</u>	<u>2,889</u>	<u>2,964</u>

<u>29</u>	<u>2,652</u>	<u>2,675</u>	<u>2,717</u>	<u>2,770</u>	<u>2,825</u>	<u>2,890</u>	<u>2,921</u>	<u>2,998</u>
<u>30</u>	<u>2,686</u>	<u>2,707</u>	<u>2,751</u>	<u>2,804</u>	<u>2,858</u>	<u>2,922</u>	<u>2,955</u>	<u>3,031</u>
<u>31</u>	<u>2,719</u>	<u>2,741</u>	<u>2,785</u>	<u>2,838</u>	<u>2,892</u>	<u>2,956</u>	<u>2,989</u>	<u>3,064</u>
<u>32</u>	<u>2,753</u>	<u>2,774</u>	<u>2,817</u>	<u>2,871</u>	<u>2,924</u>	<u>2,990</u>	<u>3,021</u>	<u>3,098</u>
<u>33</u>	<u>2,787</u>	<u>2,807</u>	<u>2,851</u>	<u>2,905</u>	<u>2,958</u>	<u>3,022</u>	<u>3,055</u>	<u>3,131</u>
<u>34</u>	<u>2,819</u>	<u>2,841</u>	<u>2,885</u>	<u>2,939</u>	<u>2,992</u>	<u>3,056</u>	<u>3,089</u>	<u>3,164</u>
<u>35</u>	<u>2,853</u>	<u>2,875</u>	<u>2,917</u>	<u>2,971</u>	<u>3,024</u>	<u>3,090</u>	<u>3,122</u>	<u>3,198</u>
<u>36</u>	<u>2,887</u>	<u>2,908</u>	<u>2,951</u>	<u>3,005</u>	<u>3,059</u>	<u>3,123</u>	<u>3,156</u>	<u>3,230</u>
<u>37</u>	<u>2,919</u>	<u>2,942</u>	<u>2,985</u>	<u>3,039</u>	<u>3,093</u>	<u>3,157</u>	<u>3,189</u>	<u>3,264</u>
<u>38</u>	<u>2,953</u>	<u>2,974</u>	<u>3,017</u>	<u>3,071</u>	<u>3,125</u>	<u>3,190</u>	<u>3,222</u>	<u>3,298</u>
<u>39</u>	<u>2,987</u>	<u>3,008</u>	<u>3,051</u>	<u>3,105</u>	<u>3,159</u>	<u>3,223</u>	<u>3,256</u>	<u>3,330</u>
<u>40</u>	<u>3,019</u>	<u>3,042</u>	<u>3,084</u>	<u>3,138</u>	<u>3,193</u>	<u>3,257</u>	<u>3,289</u>	<u>3,364</u>

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

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

CLASS TITLE	PAY GRADE
Accountant I	D
Accountant II	E
Accountant III	F
Accounts Payable Supervisor	G
Aide I	A
Aide II	B
Aide III	C

Aide IV	D
Audiovisual Technician	C
Auditor	G
Autism Mentor	F
Braille Specialist	E
Bus Operator	D
Buyer	F
Cabinetmaker	G
Cafeteria Manager	D
Carpenter I	E
Carpenter II	F
Chief Mechanic	G
Clerk I	B
Clerk II	C
Computer Operator	E
Cook I	A
Cook II	B
Cook III	C
Crew Leader	F
Custodian I	A
Custodian II	B
Custodian III	C
Custodian IV	D
Director or Coordinator of Services	H
Draftsman	D
Early Childhood Classroom Assistant Teacher I	E
Early Childhood Classroom Assistant Teacher II	E

Early Childhood Classroom Assistant Teacher III	F
Educational Sign Language Interpreter I	F
Educational Sign Language Interpreter II	G
Electrician I	F
Electrician II	G
Electronic Technician I	F
Electronic Technician II	G
Executive Secretary	G
Food Services Supervisor	G
Foreman	G
General Maintenance	C
Glazier	D
Graphic Artist	D
Groundsman	B
Handyman	B
Heating and Air Conditioning Mechanic I	E
Heating and Air Conditioning Mechanic II	G
Heavy Equipment Operator	E
Inventory Supervisor	D
Key Punch Operator	B
Licensed Practical Nurse	F
Locksmith	G
Lubrication Man	C
Machinist	F
Mail Clerk	D
Maintenance Clerk	C
Mason	G

Mechanic	F
Mechanic Assistant	E
Office Equipment Repairman I	F
Office Equipment Repairman II	G
Painter	E
Paraprofessional	F
Payroll Supervisor	G
Plumber I	E
Plumber II	G
Printing Operator	B
Printing Supervisor	D
Programmer	H
Roofing/Sheet Metal Mechanic	F
Sanitation Plant Operator	G
School Bus Supervisor	E
Secretary I	D
Secretary II	E
Secretary III	F
Sign Support Specialist	E
Supervisor of Maintenance	H
Supervisor of Transportation	H
Switchboard Operator-Receptionist	D
Truck Driver	D
Warehouse Clerk	C
Watchman	B
Welder	F
WVEIS Data Entry and Administrative Clerk	B

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

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

(1) A service person who holds 12 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(2) A service person who holds 24 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(3) A service person who holds 36 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(4) A service person who holds 48 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(5) A service employee who holds 60 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(6) A service person who holds 72 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(7) A service person who holds 84 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(8) A service person who holds 96 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(9) A service person who holds 108 college hours or comparable credit obtained in a trade or vocational school as approved by the state board;

(10) A service person who holds 120 college hours or comparable credit obtained in a trade or vocational school as approved by the state board.

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

(1) A service person who holds an associate's degree;

(2) A service person who holds a bachelor's degree;

(3) A service person who holds a master's degree;

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

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

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

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

- (3) A service person who holds a master's degree plus 30 college hours;
- (4) A service person who holds a master's degree plus 45 college hours; and
- (5) A service person who holds a master's degree plus 60 college hours.

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

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

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

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

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

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

(l) The minimum pay for any service personnel engaged in the removal of asbestos material or related duties required for asbestos removal is their regular total daily rate of pay and no less than an additional \$3 per hour or no less than \$5 per hour for service personnel supervising asbestos removal responsibilities for each hour these employees are involved in asbestos-related duties. Related duties required for asbestos removal include, but are not limited to, travel, preparation of the work site, removal of asbestos, decontamination of the work site, placing and removal of equipment and removal of structures from the site. If any member of an asbestos crew is engaged in asbestos-related duties outside of the employee's regular employment county, the daily rate of pay is no less than the minimum amount as established in the employee's regular employment county for asbestos removal and an additional \$30 per each day the employee is engaged in asbestos removal and

related duties. The additional pay for asbestos removal and related duties shall be payable entirely from county funds. Before service personnel may be used in the removal of asbestos material or related duties, they shall have completed a federal Environmental Protection Act-approved training program and be licensed. The employer shall provide all necessary protective equipment and maintain all records required by the Environmental Protection Act.

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

During the debate, the Speaker instructed members to confine remarks to the question before the House and reminded all members to abide by the Rules of the House and show respect to fellow Delegates in their remarks.

On the question of concurring in the Senate amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 175**), and there were—yeas 53, nays 43, absent and not voting 4, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Deem, Lane, Phillips and White.

So, a majority of the members present and voting having voted in the affirmative, the House concurred in the Senate amendment.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 176**), and there were—yeas 59, nays 37, absent and not voting 4, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Deem, Lane, Phillips and White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 267) passed.

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

On this question, the yeas and nays were taken (**Roll No. 177**), and there were—yeas 84, nays 12, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Barrett, Eldridge, Fleischauer, Fluharty, Hartman, Love, Lynch, R. Miller, Pyles, Rodighiero, Sponaugle and Williams.

Absent and Not Voting: Deem, Lane, Phillips and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 267) takes effect from its passage.

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

Special Calendar

-continued-

Second Reading

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

Com. Sub. for H. B. 4011, Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed,

Com. Sub. for H. B. 4022, Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft,

Com. Sub. for H. B. 4079, Promulgating administrative rules by various executive or administrative agencies of the state,

Com. Sub. for H. B. 4478, Authorizing public schools to distribute excess food to students,

And,

H. B. 4621, Relating to removing reference to certain entities with respect to work.

First Reading

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

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

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

Com. Sub. for H. B. 3061, Encouraging mastery-based education through the Innovation In Schools program,

Com. Sub. for H. B. 4207, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement,

Com. Sub. for H. B. 4296, Establishing the Southern West Virginia Lake Development Study Commission,

Com. Sub. for H. B. 4368, Relating to voluntary assignments of wages by state employees who have been overpaid,

H. B. 4422, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds,

Com. Sub. for H. B. 4424, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials,

Com. Sub. for H. B. 4451, Creating the West Virginia Sentencing Commission,

Com. Sub. for H. B. 4511, Modifying bail requirements,

H. B. 4617, Clarifying where a charge of DUI may be brought against an individual,

And,

Com. Sub. for H. B. 4618, Relating to the authority of the Division of Protective Services.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to further consideration of H. B. 4625.

Delegate Cowles moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 178**), and there were—yeas 59, nays 36, absent and not voting 5, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Deem, Lane, Phillips, White and Wilson.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 2843, Permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act,

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

Com. Sub. for H. B. 2843 – “A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended, all relating to permitting Class III municipalities to be included in the West Virginia Tax Increment Act,”

H. B. 4347, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund,

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

Com. Sub. for H. B. 4347 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-6a, relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund; permitting each person applying for the issuance of or renewal of a driver’s license to voluntarily contribute to the State Police Forensic Laboratory Fund; requiring the Division of Motor Vehicles to provide a form through which such voluntary contributions can be made; and requiring the Division of Motor Vehicles to remit the voluntary contributions on a monthly basis to the State Treasurer for deposit in the State Police Forensic Laboratory Fund,”

H. B. 4542, Allowing public service districts to accept payment by credit card,

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

Com. Sub. for H. B. 4542 – “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to allowing public service districts to accept certain methods of payment; allowing public service districts to charge certain fees related thereto; and requiring public service districts to obtain certain bids; and removing and replacing reference to certain obsolete entities,”

And,

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

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

Com. Sub. for H. B. 4619 – “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth; requiring amount of increase in local share to be added to preceding year appropriation for such purpose; providing factors to be taken into account in making allocations to counties; providing county may not receive less than the 2016-2017 allocation from certain line items; requiring moneys allocated to be used for implementation of comprehensive systems for teacher and leader induction and professional growth; and removing obsolete cross-references,”

With the recommendation that the committee substitutes each do pass.

Leaves of Absence

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Dean, Lane and White.

Miscellaneous Business

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

- Delegates Graves, Longstreth and Pyles for H. B. 4584
- Delegate Hanshaw for H. B. 4625
- Delegates Jennings and Marcum for H. C. R. 57

Pursuant to House Rule 94b, a Member filed a form with the Clerk's Office to be removed as a cosponsor of the following bill: Delegate R. Miller for H. B. 4344

At 9:03 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 21, 2018.

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

SPECIAL CALENDAR

Wednesday, February 21, 2018

43rd Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4011 - Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4022 - Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft (NELSON) (REGULAR)
- Com. Sub. for H. B. 4079 - Promulgating administrative rules by various executive or administrative agencies of the state (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4478 - Authorizing public schools to distribute excess food to students (ESPINOSA) (REGULAR)
- H. B. 4621 - Relating to removing reference to certain entities with respect to work (NELSON) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 71 - Defining "veteran" as it pertains to veteran-owned business (COOPER) (REGULAR)
- Com. Sub. for S. B. 237 - Authorizing Department of Revenue promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE) (JUDICIARY COMMITTEE AMENDMENT PENDING)
- Com. Sub. for H. B. 3061 - Encouraging mastery-based education through the Innovation In Schools program (NELSON) (REGULAR)
- Com. Sub. for H. B. 4207 - Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4296 - Establishing the Southern West Virginia Lake Development Study Commission (NELSON) (REGULAR)

- Com. Sub. for H. B. 4368 - Relating to voluntary assignments of wages by state employees who have been overpaid (SHOTT) (REGULAR)
- H. B. 4422 - Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds (NELSON) (REGULAR)
- Com. Sub. for H. B. 4424 - Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4451 - Creating the West Virginia Sentencing Commission (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4511 - Modifying bail requirements (SHOTT) (REGULAR)
- H. B. 4617 - Clarifying where a charge of DUI may be brought against an individual (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4618 - Relating to the authority of the Division of Protective Services (SHOTT) (REGULAR)
- H. B. 4625 - Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund (NELSON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2843 - Permitting Class III and Class IV municipalities to be included in the West Virginia Tax Increment Act (NELSON) (REGULAR)
- Com. Sub. for H. B. 2983 - Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress (NELSON) (REGULAR)
- H. B. 4219 - Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System (NELSON) (REGULAR)
- Com. Sub. for H. B. 4241 - Transitioning foster children into managed care (NELSON) (REGULAR)
- Com. Sub. for H. B. 4289 - Relating to disability pensions of municipal employees (NELSON) (REGULAR)

- Com. Sub. for H. B. 4347 - Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund (NELSON) (REGULAR)
- Com. Sub. for H. B. 4502 - Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4542 - Allowing public service districts to accept payment by credit card (NELSON) (REGULAR)
- Com. Sub. for H. B. 4607 - Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4619 - Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth (NELSON) (JULY 1, 2018)
- H. B. 4624 - Relating to West Virginia coordinate systems (HOWELL) (REGULAR)

HOUSE CALENDAR

Wednesday, February 21, 2018

43rd Day

11:00 A. M.

SECOND READING

- S. B. 385 - Decreasing and adding appropriations out of Treasury to DHHR and MAPS (NELSON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4154 - Establishing the 2018 Regulatory Reform Act (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, FEBRUARY 21, 2018

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
8:00 A.M. – ROOM 215E**

**PUBLIC HEARING – COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
H. B. 4187, BUSINESS LIABILITY PROTECTION ACT.**

**COMMITTEE ON THE JUDICIARY
FOLLOWING PUBLIC HEARING – ROOM 418M**

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

**COMMITTEE ON FINANCE
9:30 A.M. – ROOM 460M**

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

**COMMITTEE ON EDUCATION
2:00 P.M. – ROOM 434M**

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