

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
First Extraordinary Session

Held at Charleston
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May 19, 2024
FIRST DAY

West Virginia Legislature
Journal of the House of Delegates
Eighty-Sixth Legislature
First Extraordinary Session

Charleston, Sunday, May 19, 2024

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the seventeenth day of May 2024, calling the Legislature to convene in Extraordinary Session at 5:00 PM on Sunday, May 19, 2024, the House of Delegates subsequently assembled in its Chamber in the Capitol Building in the City of Charleston and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

Delegate Householder arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 779**), and 84 members being present, the Speaker declared the presence of a quorum.

The absent being as follows: Bridges, Chiarelli, Fast, Hansen, Holstein, Hornbuckle, Jennings, Kirby, Kump, Maynor, Ridenour, Ross, Steele, Street, Vance and Young.

On motion of Delegate Householder, the Clerk was authorized to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

On motion of Delegate Householder, the Clerk was authorized to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Messages from the Executive

The following Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, was reported by the Clerk:

**STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT**

Charleston

A PROCLAMATION

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at 5:00 PM on Sunday, May 19, 2024, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: To restore the budgets of the Department of Human Services and the Department of Health, including the Office of Inspector General, provided that certain amounts will be held in reserve accounts that may be accessed by the Secretary of the Department of Health and the Secretary of the Department of Human Services as such amounts may be needed.

SECOND: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2024, organization 0803, in the amount of \$150,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing an existing item of appropriation.

THIRD: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2024, organization 0100, in the amount of \$50,000,000 for new State agricultural lab facilities, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

FOURTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Governor's Office, fund 0101, fiscal year 2024, organization 0100, in the

amount of \$10,000,000 for the Posey Perry Emergency Food Bank Fund, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

FIFTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, in the amounts of \$3,289,060 and \$27,321,613 to provide funds for increased enrollment and Hope Scholarship funding respectively, by increasing existing items of appropriation.

SIXTH: To supplement and amend the appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to reduce the surplus section of the 2025 budget bill to reflect the anticipated passage of certain supplemental appropriations bills contemplated herein, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

SEVENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2024, organization 0441, by the total amount of \$83,215,351 to provide needed funds for the State’s colleges and universities and our students in response to the issues with this year’s Free Application for Federal Student Aid (“FAFSA”) at the federal level, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items and increasing an existing item of appropriation.

EIGHTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Veterans’ Assistance, fund 0456, fiscal year 2024, organization 0613, in the amount of \$2,000,000 for contract nursing expenses, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing existing items of appropriation.

and amending the appropriations for the fiscal year ending June 30, 2024, by increasing existing items of appropriation.

NINTH: To supplement and amend Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2025, organization 0402, relating to the school aid formula, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025 by decreasing items of appropriation.

TENTH: To supplement and amend the appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Administration, Division of Information Services and Communication, fund 2220, fiscal year 2025, organization 0210, Department of Administration, Office of Technology Chief Technology Officer Administration Fund, fund 2531, organization 0231, to reflect the passage of House Bill 5432, which consolidated and reorganized funds under the Department of Administration’s Division of Information Services and Communication and the Office of Technology, by supplementing and amending the appropriations for the fiscal year ending in June 30, 2025.

ELEVENTH: To expire funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$83,215,351.25 from the Department of Revenue, State Budget Office, PEIA Rainy Day Fund, fund 7402, fiscal year 2024, organization 0703.

TWELFTH: To expire funds to the balance of the Department of the Arts, Culture, and History, Cultural Facilities and Capitol Resource Match Grant Program Fund, fund 3537, fiscal year 2023, organization 0432, in the amount of \$2,877,636, from the balance of Lottery Net Profits, Division of Culture and History – Lottery Education Fund, fund 3534, organization 0432.

THIRTEENTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated § 9-5-29a, relating to residential substance use disorder treatment facilities, to prohibit payment to facilities that do not meet certain requirements, to require licensure, to require accreditation, to require the Bureau for Medical Services to make necessary

filings, to set forth specific timeframe to obtain licensure and accreditation, to require residential substance use disorder treatment facility to obtain accreditation within one year of operation, to provide provisions for operation at a new site or new ownership, to require a report, to state that licensed treatment beds are subject to specific provisions, to provide for rulemaking, and to provide a sunset date.

FOURTEENTH: To amend and reenact § 3-5-21 of the Code of West Virginia, 1931, as amended, relating to political party nomination of presidential electors, to provide that presidential electors shall be nominated by each political party in a manner governed and prescribed by the rules of that state executive committee and not inconsistent with the rules of the national political party, and providing default rules if party rules do not provide procedures to nominate presidential electors.

FIFTEENTH: To amend and reenact § 11B-2-20 of the Code of West Virginia, 1931, as amended, relating to deposits to the Revenue Shortfall Reserve Fund and Revenue Shortfall Reserve Fund - Part B.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this Seventeenth Day of May, in the Year of our Lord, Two Thousand Twenty-Four, and in the One Hundred Sixty-First Year of the State.

GOVERNOR

SECRETARY OF STATE

Bills Introduced

On motions for leave, the following bills were introduced:

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 101 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Health, Department of Health – Central Office, fund 0407, fiscal year 2025, organization 0506, Office of the Inspector General, fund 0437, fiscal year 2025, organization 0513, Department of Health, Consolidated Medical Services Fund, fund 0525, fiscal year 2025, organization 0506, Department of Human Services, Division of Human Services, fund 0403, fiscal year 2025, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025, by adding new items of appropriation."

At the respective requests of Delegate Householder, and by unanimous consent, the bill (H. B. 101) was taken up for immediate consideration, read a first time, and referred to the Committee on Finance.

Delegate Householder asked and obtained unanimous consent for House Bills 102 – 114 to be taken up for immediate consideration, to have their committee reference dispensed with, and for them to be read a first time.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 102 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2024, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing an existing item of appropriation"; which was read a first time and ordered to second reading.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 103 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2024, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation"; which was read a first time and ordered to second reading.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 104 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Governor's Office, fund 0101, fiscal year 2024, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation"; which was read a first time and ordered to second reading.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 105 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State

Fund, General Revenue, to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing existing items of appropriation"; which was read a first time and ordered to second reading.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 106 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Human Services, Bureau for Medical Services – Policy and Programming, fund 0484, fiscal year 2025, organization 0511, State Board of Education – State Department of Education, fund 0313, fiscal year 2025, organization 0402 by supplementing and amending the appropriations for the fiscal year ending June 30, 2025"; which was read a first time and ordered to second reading.

By Delegates Hanshaw (Mr. Speaker) and Hornbuckle

[By Request of the Executive]:

H. B. 107 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2024, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation"; which was read a first time and ordered to second reading.

By Delegates Hanshaw (Mr. Speaker) and Hornbuckle

[By Request of the Executive]:

H. B. 108 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Veterans' Assistance, fund 0456, fiscal year 2024, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing existing items of appropriation"; which was read a first time and ordered to second reading.

By Delegates Hanshaw (Mr. Speaker) and Hornbuckle

[By Request of the Executive]:

H. B. 109 - "A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2025, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025 by decreasing items of appropriation; therefore"; which was read a first time and ordered to second reading.

By Delegates Hanshaw (Mr. Speaker) and Hornbuckle

[By Request of the Executive]:

H. B. 110 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Administration, Division of Information Services and Communications, fund 2220, fiscal year 2025, organization 0210, and Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fiscal year 2025, fund 2531,

organization 0231, Department of Administration, Office of Technology – Office of Technology Fund, fund 2220, fiscal year 2025, organization 0231, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025"; which was read a first time and ordered to second reading.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 111 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$83,215,351.25 from the Department of Revenue, State Budget Office, PEIA Rainy Day Fund, fund 7402, fiscal year 2024, organization 0703"; which was read a first time and ordered to second reading.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 112 - "A Bill expiring funds to the balance of the Department of Arts, Culture, and History, Cultural Facilities and Capital Resource Match Grant Program Fund, fund 3537, fiscal year 2023, organization 0432, in the amount of \$2,877,636, from the balance of Lottery Net Profits, Division of Culture and History – Lottery Education Fund, fund 3534, organization 0432"; which was read a first time and ordered to second reading.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 113 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29a, relating to residential substance use disorder treatment facilities; prohibiting payment to facilities that do not meet certain requirements; requiring licensure; requiring accreditation; requiring the Bureau for Medical Services to make necessary filings; setting forth specific timeframe to obtain licensure and accreditation; requiring residential substance use disorder treatment facility to obtain accreditation within one year of operation; providing provisions for operation at a new site or new ownership; requiring a report; stating licensed treatment beds are subject to specific provisions; providing for rulemaking; and providing a sunset date"; which was read a first time and ordered to second reading.

**By Delegate Hanshaw (Mr. Speaker)
[By Request of the Executive]:**

H. B. 114 - "A Bill to amend and reenact §3-5-21 of the Code of West Virginia, 1931, as amended, relating to political party nomination of presidential electors"; which was read a first time and ordered to second reading.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle
[By Request of the Executive]:**

H. B. 115 - "A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to the amount of surplus deposited into the Revenue Shortfall Reserve Fund and providing for an effective date."

At the respective requests of Delegate Householder, and by unanimous consent, the bill (H. B. 115) was taken up for immediate consideration, read a first time, and referred to the Committee on Finance.

By Delegate Williams:

H. B. 116 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h, relating to authorizing the Public Employee Insurance

Agency to provide insurance coverage for certain prescribed weight loss medications"; which was referred to the Committee on Finance.

At 6:33 p.m., Sunday, May 19, 2024, the House of Delegates adjourned until 12:00 noon, Monday, May 20, 2024.

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

SPECIAL CALENDAR

Monday, May 20, 2024

2nd Day

12:00 Noon

SECOND READING

- H. B. 102 - Supplementing and amending appropriations to the Department of Transportation, Division of Highways
- H. B. 103 - Supplementing and amending appropriations to the Governor's Office – Civil Contingent Fund
- H. B. 104 - Supplementing and amending appropriations to the Governor's Office – Posey Perry Food Bank
- H. B. 105 - Supplementing and amending appropriations to the Department of Education, State Board of Education – State Department of Education
- H. B. 106 - Making a supplementary appropriation to the Department of Human Services, Bureau for Medical Services – Policy and Programming and State Board of Education – State Department of Education
- H. B. 107 - Supplementing and amending appropriations to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account
- H. B. 108 - Supplementing and amending appropriations to the Department of Veterans' Assistance
- H. B. 109 - Supplementing and amending appropriations to the Department of Education, State Board of Education – State Aid to Schools
- H. B. 110 - Making a supplemental appropriation to the Department of Administration Special Revenue – Office of Technology Reorganization
- H. B. 111 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Department of Revenue, State Budget Office, PEIA Rainy Day Fund
- H. B. 112 - Expiring funds to the balance of the Department of Arts, Culture, and History, Cultural Facilities and Capital Resource Match Grant Program Fund

H. B. 113 -

Prohibiting payment to residential substance use disorder treatment facilities that do not meet certain requirements

H. B. 114 -

Relating to political party nomination of presidential electors

HOUSE CALENDAR

Monday, May 20, 2024

2nd Day

12:00 NOON

No Bills

HOUSE OF DELEGATES

MONDAY, MAY 20, 2024

HOUSE CONVENES AT 12:00 NOON

COMMITTEE ON FINANCE
10:00 A.M.
COMMITTEE ON FINANCE MEETING ROOM

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