

West Virginia Legislature

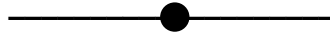
JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
First Extraordinary Session

Held at Charleston
Published by the Clerk of the House



May 20, 2024
SECOND DAY



Monday, May 20, 2024

SECOND DAY

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

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Sunday, May 19, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 101, Supplementing and amending appropriations to the Department of Health and Department of Human Services,

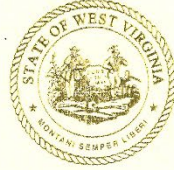
And

H. B. 115, Relating to the amount of surplus deposited into the Revenue Shortfall Reserve Fund and providing for an effective date.

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

Messages from the Executive

The following communication was reported by the Clerk:



Jim Justice
Governor of West Virginia

May 20, 2024

HOUSE EXECUTIVE MESSAGE NO. 1
2024 1st SPECIAL SESSION

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following amends and replaces the "FY 2024 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted as revised to you on June 30, 2023 for the fiscal year ending June 30, 2024:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

<u>Source of Revenue</u>		<u>FY 2024 Official Estimate</u>
Business and Occupation Tax	\$	110,000
Consumers Sales and Use Tax		1,779,700
Personal Income Tax		2,054,000
Liquor Profit Transfers		26,500
Beer Tax and Licenses		7,000
Tobacco Products Tax (Cigarette & Other)		157,400
Business Franchise Fees		750
Property Transfer Tax		10,000
Property Tax		8,000
Insurance Tax		117,000
Departmental Collections		25,114

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OFFICE OF THE GOVERNOR

The Honorable Roger Hanshaw
 HOUSE EXECUTIVE MESSAGE NO. 1
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May 20, 2024

Corporate Income/Business Franchise Tax	300,000
Miscellaneous Transfers	2,000
Interest Income	89,511
Severance Tax	343,000
Miscellaneous Receipts	2,000
HB102 - Lottery Transfers	65,000
Soft Drink Excise Tax	12,900
Liquor License Renewal	736
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total	<u>\$ 5,120,611</u>

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on January 10, 2024 for the fiscal year ending June 30, 2024:

General Revenue Fund
 Statement of Revenues, Expenditures, and Changes in Cash Balance
 (Nearest Dollar)

Actual Beginning Cash Balance July 1, 2023	\$2,884,813,151
Less: 31 Day Disbursements (July 1, 2023 - July 30, 2023)	(55,323,715)
Plus: Prior Year Reimbursements (July 1, 2023 - July 30, 2023)	218,002
Less: Prior Year Appropriations Forwarded	(797,995,917)
Less: Cash Balance - Adjustments and Accruals	<u>(443,404)</u>
Accumulated Surplus from FY 2023 @ July 31, 2023	\$2,031,268,117
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(231,584,775)
Less: FY 2024 Surplus Appropriations (FY 2023 Surplus) (House Bill 2024) 2023 Regular Session	(1,165,478,000)
Less: FY 2024 Various Surplus Supplemental Appropriations (2023 1st Extraordinary Session)	(522,836,398)
Plus: Prior Year Reimbursements (August 1, 2023 - April 30, 2024)	796,037
Plus: Prior Year Adjustments	56,952
Plus: FY 2024 Supplemental Appropriation - (SB 657) (2024 Regular Session) Expiration of State Excess Lottery Funds to the General Revenue Surplus Balance	71,000,000
Plus: FY 2024 Supplemental Appropriation - (SB 651) (2024 Regular Session) Expiration of State Lottery Funds to the General Revenue Surplus Balance	35,000,000
Less: FY 2024 Various Surplus Supplemental Appropriations (2024 Regular Session)	(217,600,000)
Plus: Recommended FY 2024 Surplus Supplemental Appropriation Expiring PEIA Rainy Day	

OFFICE OF THE GOVERNOR

The Honorable Roger Hanshaw
 HOUSE EXECUTIVE MESSAGE NO. 1
 2024 1st SPECIAL SESSION
 Page 3

May 20, 2024

	Balance to the GR Unappropriated Surplus Balance	83,215,351
Less:	Recommended FY 2024 Surplus Supplemental Appropriation (2024 1Ex) (Higher Education) (Various Projects)	<u>(83,215,351)</u>
	Estimated Unappropriated Surplus Balance from FY 2024 Activity @ June 30, 2024	\$621,934
Plus:	FY 2024 Revenue Estimate (as revised 05/19/2024)	\$5,120,610,673
Less:	FY 2024 Appropriations (FY 2024 Budget Bill) (HB 2024) (2023 Regular Session)	(4,874,572,614)
Plus:	FY 2024 Various Supplemental Appropriations (2023 1st Extraordinary Session) (Net Effect)	36,715,795
Less:	FY 2024 Various Supplemental Appropriations (2024 Regular Session)	(40,022,304)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Highways)	(150,000,000)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Governor's Civil Contingent Fund - Agriculture Lab)	(50,000,000)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Department of Education) (HOPE Scholarship)	(27,321,613)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Governor's Office) (Posey Perry Emergency Food Bank)	(10,000,000)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Education) (Increased Enrollment)	(3,289,060)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Veteran's Affairs) (Contract Nursing Reimbursement)	<u>(2,000,000)</u>
	Estimated Unappropriated Balance from FY 2024 Activity @ June 30, 2024	\$120,877
Plus:	FY 2025 Revenue Estimate	\$5,264,536,000
Less:	FY 2025 Appropriations (FY 2025 Budget Bill) (2024 Regular Session)	(4,996,222,036)
Less:	Recommended FY 2025 Supplemental Appropriation (2024 1Ex) (Department of Human Services) (Restoration of Budget Reduction)	(183,437,463)
Less:	Recommended FY 2025 Supplemental Appropriation (2024 1Ex) (Department of Health) (Restoration of Budget Reduction)	(5,013,844)

OFFICE OF THE GOVERNOR

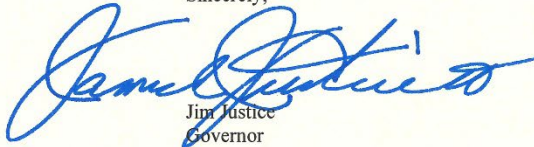
The Honorable Roger Hanshaw
HOUSE EXECUTIVE MESSAGE NO. 1
2024 1st SPECIAL SESSION
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May 20, 2024

Plus: Recommended FY 2025 Supplemental Appropriation (2024 1Ex) (Department of Education) (School Aid Formula PSSP)	_____ 280,711
Estimated Unappropriated Balance @ June 30, 2025	_____ \$80,143,368
	\$80,886,179

Thank you for your cooperation in this matter.

Sincerely,



Jim Justice
Governor

At the request of Delegate Householder, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

Resolutions Introduced

Mr. Speaker, Mr. Hanshaw, offered the following resolution:

H. R. 101- "Amending House Rule 56, relating to Motions Not in Order."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (H. R. 101) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

Messages from the Senate

A communication from the Clerk of the Senate, announced that the Senate had assembled, with a quorum present, and was ready to proceed with the business of this session.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1002 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1002) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 780**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, Summers and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 781**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Householder and Riley.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, Ridenour and Vance.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1002) passed.

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

On this question, the yeas and nays were taken (**Roll No. 782**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, Ridenour and Vance.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1002) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1003 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1003) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 783**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 784**), and there were—yeas 80, nays 14, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Coop-Gonzalez, Dillon, Foster, Gearheart, Householder, Jeffries, Kimble, Kirby, Kump, C. Pritt, Ridenour and Ward.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1003) passed.

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

On this question, the yeas and nays were taken (**Roll No. 785**), and there were—yeas 87, nays 7, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dillon, Kimble, Kump, C. Pritt and Ward.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1003) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1004 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1004) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 786**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, E. Pritt and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 787**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, E. Pritt and Vance.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1004) passed.

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

On this question, the yeas and nays were taken (**Roll No. 788**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, C. Pritt and Vance.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1004) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1005 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1005) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 789**), and there were—yeas 77, nays 16, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fluharty, Foster, Garcia, Griffith, Hamilton, Hornbuckle, Kirby, Kump, Lewis, E. Pritt, Pushkin, Ridenour, Ward, Williams and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, C. Pritt and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 790**), and there were—yeas 81, nays 12, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Adkins, Cooper, Dean, Dillon, Garcia, Griffith, Hornbuckle, Kirby, E. Pritt, Pushkin, Toney and Williams.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, C. Pritt and Vance.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1005) passed.

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

On this question, the yeas and nays were taken (**Roll No. 791**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, C. Pritt and Vance.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1005) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1006 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1006) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 792**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, C. Pritt and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

Delegate Rowe arose to a point of order about the rule regarding having one subject.

The Speaker replied, indicating that it was the opinion of the Chair that there were not two subjects in the bill.

On the passage of the bill, the yeas and nays were taken (**Roll No. 793**), and there were—yeas 81, nays 10, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dean, Dillon, Ferrell, Garcia, Griffith, Lewis, E. Pritt, Pushkin, Toney and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, Linville, Smith, Vance and Winzenreid.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) passed.

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

On this question, the yeas and nays were taken (**Roll No. 794**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, Linville, Summers, Vance and Winzenreid.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1006) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1014 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1014) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 795**), and there were—yeas 82, nays 11, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon, Fluharty, Garcia, Hamilton, Hornbuckle, Kump, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, Summers and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time.

Delegate Fluharty moved to amend the bill on page 3, Section 21, following the period by inserting a new sentence to read as follows:

"Any person that fraudulently represents that he or she is serving as a presidential elector who was not lawfully elected or appointed shall be guilty of a felony and be subject to imprisonment in a state correctional facility for a period of one to three years and be subject to a fine of up to \$5,000."

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

The yeas and nays having been ordered, they were taken (**Roll No. 796**), and there were—yeas 14, nays 79, absent and not voting 7, with the yeas and the absent and not voting being as follows:

Yeas: Fluharty, Foggin, Garcia, Griffith, Hamilton, Hornbuckle, Kump, Lewis, Martin, Nestor, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst, Summers and Vance.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 797**), and there were—yeas 80, nays 14, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Fluharty, Garcia, Griffith, Hamilton, Hornbuckle, Kirby, Lewis, Pushkin, Rowe, Williams, Winzenreid and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 1014) passed.

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

On this question, the yeas and nays were taken (**Roll No. 798**), and there were—yeas 81, nays 13, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Fluharty, Garcia, Griffith, Hamilton, Hornbuckle, Kirby, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1014) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1015 - "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, reference of the bill (S. B. 1015) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 799**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump and Ridenour.

Absent and Not Voting: Bridges, W. Clark, Fast, Foggin, Hansen, Horst and Vance.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time.

Delegate Foster moved to amend the bill on page 2, section (b), line 29, following the period at the end of the sentence by striking out the period and inserting the following proviso:

: *Provided further*, That any amount that would exceed the 20% rolling average mentioned above shall be deposited into the Personal Income Tax Reserve Fund.

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

The yeas and nays having been ordered, they were taken (**Roll No. 800**), and there were—yeas 36, nays 58, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Burkhammer, Butler, Cannon, Chiarelli, T. Clark, Coop-Gonzalez, Dean, DeVault, Dillon, Ellington, Foster, Hillenbrand, Householder, Jeffries, Kimble, Kirby, Kump, Linville, Longanacre, Marple, Martin, Moore, Petitto, Phillips, Pinson, C. Pritt, E. Pritt, Ridenour, Ross, Sheedy, Smith, Street, Thorne and Ward.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

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

On motion of Delegate Criss, the bill was amended on page two, section twenty, beginning on line twenty-three, following the words "equal to", by striking out the words "or greater than".

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 801**), and there were—yeas 53, nays 40, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Adkins, Anderson, Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dean, Devault, Dillon, Ellington, Ferrell, Fluharty, Garcia, Gearheart, Griffith, Hamilton, Hornbuckle, Hott, Householder, Jeffries, Kimble, Kirby, Kump, Lewis, Longanacre, Marple, Pinson, C. Pritt, E. Pritt, Pushkin, Ridenour, Ross, Rowe, Smith, Street, Thorne, Ward, Williams and Young.

Absent and Not Voting: Bridges, Cannon, W. Clark, Fast, Hansen, Horst and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 1015) passed.

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

On this question, the yeas and nays were taken (**Roll No. 802**), and there were—yeas 70, nays 24, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dillon, Fluharty, Garcia, Gearheart, Griffith, Hamilton, Kimble, Kump, Lewis, Longanacre, Martin, C. Pritt, E. Pritt, Pushkin, Ridenour, Ross, Rowe, Smith, Street, Ward, Williams and Young.

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1015) 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.

Resolutions Introduced

There being no objection, the following resolution, on the list of Resolutions to be Introduced today, was read by the Clerk and put upon its adoption:

By Delegate Hanshaw (Mr. Speaker):

H. C. R. 101 —"Commemorating the life of Robert Gene "Bob" Ashley, committed husband, father, grandfather, and lifetime public servant."

On the question of the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 803**, and there were— yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, W. Clark, Fast, Hansen, Horst and Vance.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution:

S. C. R. 101 – "Urging the United States Department of Education to accelerate processing of the Free Application for Federal Student Aid and assure prompt issuance of student financial aid to higher education institutions and students across West Virginia and the country."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (S. C. R. 101) to a committee was dispensed with, and it was taken up for immediate consideration.

On the question of adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 804**), and there were— yeas 90, nays 1, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Bridges, DeVault, Fast, Hansen, Horst, Maynor, Moore and Vance.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

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 adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution:

S. C. R. 102 – “Extending the State of Emergency and suspension of certain regulatory statutes and rules requiring completion of the Free Application for Federal Student Aid as declared by the Governor of West Virginia on April 30, 2024, in Executive Order No. 2-24.”

Delegate Householder asked unanimous consent that the resolution be taken up for immediate consideration, reference to a committee be dispensed with, and that it be put upon its adoption, which consent was not granted, objection being heard.

Delegate Householder then so moved.

A voice vote was taken and the Speaker declared the motion adopted.

Delegate Foster arose to a point of inquiry regarding the voice vote. The Speaker responded that it was a majority vote motion.

On the question of “Shall the resolution be adopted?”, the same was put and prevailed.

At 3:01 p.m., on motion of Delegate Householder, the House of Delegates recessed until 5:30 p.m.

* * * * *

Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 101, Memorializing the life of Bob Ashley.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1001 - “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, reference of the bill (S. B. 1001) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 805**), and there were—yeas 81, nays 3, absent and not voting 16, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump and Ridenour.

Absent and Not Voting: Bridges, Burkhammer, Fast, Griffith, Hansen, Holstein, Horst, Kirby, Nestor, Pinson, C. Pritt, Riley, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time.

Delegate Criss moved to amend the bill on page 1, following the enacting clause by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

“That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0407, fiscal year 2025, organization 0506, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

57 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

Personal Services and Employee Benefits.....	00100	\$	3,362,243
Salary and Benefits of Cabinet Secretary			
and Agency Heads	00201		358,400

Unclassified	09900	6,459
Current Expenses	13000	225,201
Capital Outlay and Maintenance (R)	75500	70,000
BRIM Premium.....	91300	169,791
Department of Health Reserve	XXXXX	<u>5,013,844</u>
Total		\$ 9,205,938

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any unexpended balances remaining in the appropriation Chief Medical Examiner (fund 0407, appropriation 04500) at the close of fiscal year 2024 shall be transferred to Chief Medical Examiner appropriation (fund 0432, appropriation 04500).

Any unexpended balances remaining in the appropriation Safe Drinking Water Program (fund 0407, appropriation 18700) at the close of fiscal year 2024 shall be transferred to Environmental Health Services appropriation (fund 0417, appropriation 30002).

Any unexpended balances remaining in the appropriation Statewide EMS Program Support (fund 0407, appropriation 38300) at the close of fiscal year 2024 shall be transferred to Statewide EMS Program Support appropriation (fund 0434, appropriation 38300).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis (fund 0407, appropriation 42001) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis appropriation (fund 0427, appropriation 42001).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis – Surplus (fund 0407, appropriation 42099) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis – Surplus appropriation (fund 0427, appropriation 42099).

Any unexpended balances remaining in the appropriation Vaccine for Children (fund 0407, appropriation 55100) at the close of fiscal year 2024 shall be transferred to Vaccine for Children appropriation (fund 0418, appropriation 55100).

Any unexpended balances remaining in the appropriation Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) at the close of fiscal year 2024 shall be transferred to the Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees appropriation (fund 0405, appropriation 57500).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy (fund 0407, appropriation 35401) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy (fund 0403, appropriation 35401).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402).

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Health shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of Health shall have the authority to make transfers from the Department of Health Reserve (fund 0407, appropriation XXXXX) appropriation to any general revenue funds under the department. The Secretary shall submit a monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Health Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Health Reserve appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0437, fiscal year 2025, organization 0513, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

78 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund 0437 FY 2025 Org 051

Personal Services and Employee Benefits.....	00100	\$	5,583,690
Unclassified	09900		57,469
Current Expenses	13000		<u>1,583,603</u>
Total.....		\$	7,224,762

From the above appropriation for Current Expenses (fund 0437, appropriation 13000), \$73,065 shall be used for informal dispute resolution relating to nursing home administrative appeals and \$650,000 shall be transferred to OIG fund 5209.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, to fund 0525, fiscal year 2025, organization 0506, be supplemented and amended to add a new item of appropriation:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

79A - Consolidated Medical Services Fund

(W.V. Code Chapter 16)

Fund 0525 FY 2025 Org 0506

Any unexpended balances remaining in the appropriations for Behavioral Health Program – Surplus (fund 0525, appropriation 63100) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0403, fiscal year 2025, organization 0511, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HUMAN SERVICES

80 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2025 Org 0511

Personal Services and Employee Benefits.....	00100	\$	32,554,845
Salary and Benefits of Cabinet Secretary and			
Agency Heads.....	00201		159,250
Unclassified	09900		5,120,050

Current Expenses	13000	5,557,409
Child Care Development.....	14400	3,138,536
Jobs & Hope	14902	2,357,000
Social Services	19500	46,136
Behavioral Health Program (R)	21900	66,864,419
Family Resource Networks	27400	1,762,464
Substance Abuse Continuum of Care (R)	35400	1,656,000
Office of Drug Control Policy (R)	35401	567,875
James "Tiger" Morton Catastrophic Illness Fund.....	45500	373,424
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	1,381,500
Child Support Enforcement	70500	6,227,186
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	23,237,186
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Capital Outlay and Maintenance (R)	75500	11,875
Medical Services Administrative Costs.....	78900	58,017
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	633,107
CHIP Services.....	85602	12,122,368
BRIM Premium.....	91300	945,891
Children's Trust Fund – Transfer.....	95100	220,000
Department of Human Services Reserve	XXXXX	<u>183,437,463</u>
Total		\$ 356,675,744

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100),

and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Human Services shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Human Services shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *And provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of Human Services shall have the authority to make transfers from the Department of Human Services Reserve (fund 0403, appropriation XXXXX) appropriation to any general revenue funds under the department: *And provided, further, notwithstanding the above*, that included in the appropriation for the Department of Human Services Reserve (fund 0403, appropriation XXXXX) is \$10,273,228 that shall be utilized to increase provider rates for Title XIX for senior citizens; \$10,709,858 that shall be utilized to increase provider rates for I/DD waiver; \$6,568,768 that shall be utilized to increase provider rates for personal care services; and \$135,000 that shall be utilized to increase provider rates for TBI waiver: *And provided, further, notwithstanding the above*, That no funds may be transferred from Fund 0485, FY2025 Org0511 Bureau for Medical Services - Home and Community Based Waiver Programs to any other appropriation. The Secretary shall submit monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Human Services Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Human Services appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

The Secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the W.V. Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800) shall be transferred to the WV Works Separate State College Program Fund (fund 5467) and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the Secretary of the Department of Human Services.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500), an amount not to exceed \$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

Included in the appropriation for Behavioral Health Program (fund 0403, appropriation 21900), is \$100,000 for Recovery Point of Huntington.

The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children's Trust Fund (fund 5469).

From the above appropriation for Substance Abuse Continuum of Care (fund 0403, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan."

Delegates Young and Hillenbrand moved to amend the amendment on page 8, line 80, following the period by inserting the following:

"From the above appropriation for the Department of Human Services Reserve (fund xxxx), \$23,000,000 shall be transferred to "Child Care-maintenance of Effort Match (Fund 0403, appropriation 70800)."

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 806**), and there were—yeas 35, nays 50, absent and not voting 15, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, T. Clark, W. Clark, Crouse, Dean, DeVault, Dittman, Ferrell, Fluharty, Garcia, Hall, Hamilton, Hillenbrand, Hite, Hornbuckle, Howell, Kimble, Kump, Lewis, Lucas, Marple, Mazzocchi, Moore, Petitto, E. Pritt, Pushkin, Rowe, Sheedy, Statler, Stephens, Summers, Williams, Willis, Winzenreid and Young.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, Nestor, Pinson, C. Pritt, Riley, Ross, Steele, Vance and Westfall.

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

The amendment offered by Delegate Criss was then adopted.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 807**), and there were—yeas 83, nays 2, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez and Foster.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, Nestor, Pinson, C. Pritt, Riley, Ross, Steele, Vance and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1001) passed.

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

On this question, the yeas and nays were taken (**Roll No. 808**), and there were—yeas 84, nays 1, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, Nestor, Pinson, C. Pritt, Riley, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1001) 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.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1007 - "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."

On motion of Delegate Foster, the bill was moved to follow S. B. 1012.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1008 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1008) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 809**), and there were—yeas 84, nays 1, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Kump.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, Nestor, Pinson, C. Pritt, Riley, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 810**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, Linville, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1008) passed.

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

On this question, the yeas and nays were taken (**Roll No. 811**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1008) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1009 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1009) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 812**), and there were—yeas 82, nays 3, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump and Ridenour.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 813**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1009) passed.

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

On this question, the yeas and nays were taken (**Roll No. 814**), and there were—yeas 84, nays 1, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Lewis.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1009) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1010 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1010) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 815**), and there were—yeas 83, nays 2, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 816**), and there were—yeas 85, nays none, absent and not voting 15, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1010) passed.

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

On this question, the yeas and nays were taken (**Roll No. 817**), and there were—yeas 84, nays none, absent and not voting 16, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kelly, Kirby, McGeehan, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1010) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1011 - "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 Revenue, State Budget Office, PEIA Rainy Day Fund, fund 7402, fiscal year 2024, organization 0703."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1011) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 818**), and there were—yeas 83, nays 2, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Bridges, Fast, Griffith, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, C. Pritt, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 819**), and there were—yeas 51, nays 35, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Campbell, Chiarelli, W. Clark, Coop-Gonzalez, Dean, Dillon, Ferrell, Fluharty, Foggin, Foster, Griffith, Hall, Hamilton, Hillenbrand, Hornbuckle, Kump, Lewis, Longanacre, Martin, Miller, Moore, C. Pritt, E. Pritt, Pushkin, Ridenour, Shamblin, Sheedy, Stephens, Street, Thorne, Toney and Young.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1011) passed.

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

On this question, the yeas and nays were taken (**Roll No. 820**), and there were—yeas 65, nays 21, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Brooks, Campbell, Coop-Gonzalez, Dean, Dillon, Fluharty, Foster, Hamilton, Hillenbrand, Hornbuckle, Kump, Lewis, Longanacre, Martin, C. Pritt, E. Pritt, Pushkin, Stephens, Toney, Williams and Young.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion rejected.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1012 - "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"

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1012) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 821**), and there were—yeas 84, nays 2, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 822**), and there were—yeas 82, nays 4, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump, Marple and Ridenour.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1012) passed.

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

On this question, the yeas and nays were taken (**Roll No. 823**), and there were—yeas 84, nays 2, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Dillon and Kump.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1012) takes effect from its passage.

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

The House then returned to consideration of the following message:

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1007 - "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."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 1007) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 824**), and there were—yeas 84, nays 3, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump and Ridenour.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was read a second time.

Delegate Pritt E. moved to amend the bill on page 2, line 21, after the word "hereby" by striking "reappropriated for expenditure during the fiscal year 2025" and inserting in lieu thereof the following "expired to the PEIA Rainy Day Fund, fund 7402".

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

The yeas and nays having been ordered, they were taken (**Roll No. 825**), and there were—yeas 23, nays 64, absent and not voting 13, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, T. Clark, Coop-Gonzalez, Dean, Dillon, Ferrell, Fluharty, Foster, Griffith, Hillenbrand, Kimble, Kump, Linville, Longanacre, Miller, Petitto, C. Pritt, E. Pritt, Pushkin, Sheedy, Stephens, Street and Toney.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

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

The bill was then read a third time, and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 826**), and there were—yeas 71, nays 16, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Coop-Gonzalez, Dillon, Foggin, Foster, Hornby, Kump, Longanacre, Miller, E. Pritt, Ridenour, Sheedy, Street, Thorne and Toney.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1007) passed.

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

On this question, the yeas and nays were taken (**Roll No. 827**), and there were—yeas 81, nays 5, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Kump, Longanacre and Street.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, McGeehan, Miller, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1007) takes effect from its passage.

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

Petitions

Delegate Hornbuckle presented petitions calling for inclusion of a constitutional amendment restoring reproductive freedom on the agenda for the special session in May; which was referred to the Committee on Health and Human Resources.

Special Calendar

Second Reading

H. B. 102, Supplementing and amending appropriations to the Department of Transportation, Division of Highways; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 103, Supplementing and amending appropriations to the Governor's Office – Civil Contingent Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 104, Supplementing and amending appropriations to the Governor's Office – Posey Perry Food Bank; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 105, Supplementing and amending appropriations to the Department of Education, State Board of Education – State Department of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

H. B. 107, Supplementing and amending appropriations to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate E. Pritt was reported by the Clerk.

Whereupon,

Delegate E. Pritt obtained unanimous consent to have the pending amendment withdrawn.

The bill was then ordered to engrossment and third reading.

H. B. 108, Supplementing and amending appropriations to the Department of Veterans' Assistance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 109, Supplementing and amending appropriations to the Department of Education, State Board of Education – State Aid to Schools; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 110, Making a supplemental appropriation to the Department of Administration – Office of Technology Reorganization; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 111, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Department Revenue, State Budget Office, PEIA Rainy Day Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

H. B. 113, Prohibiting payment to residential substance use disorder treatment facilities that do not meet certain requirements; on second reading, coming up in regular order, was read a second time. and ordered to engrossment and third reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 828**), and there were—yeas 77, nays 10, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Butler, Dillon, Fluharty, Foster, Hamilton, Hornbuckle, Kump, Lewis, Pushkin and Young.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 829**), and there were—yeas 81, nays 6, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Coop-Gonzalez, Foster, Martin and Ridenour.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 113) passed.

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

On this question, the yeas and nays were taken (**Roll No. 830**), and there were—yeas 82, nays 5, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Foster, Lewis and Martin.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 113) 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. 114, Relating to political party nomination of presidential electors; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

At 7:15 p.m., on motion of Delegate Householder, the House of Delegates recessed until 7:35 p.m.

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Evening Session

-continued-

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Delegate Householder obtained unanimous consent for further consideration of **S. B. 1011**, Expiring funds from Department of Revenue, PEIA Rainy Day Fund.

On motion of Delegate Householder, the House voted to reconsider the vote by which it rejected the effective from passage date on S. B. 1011.

The question then being that the bill take effect from its passage, the yeas and nays were taken (**Roll No. 831**), and there were—yeas 62, nays 24, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Brooks, T. Clark, Coop-Gonzalez, Dillon, Ferrell, Fluharty, Foggin, Foster, Hite, Hornbuckle, Kump, Martin, Miller, C. Pritt, E. Pritt, Pushkin, Ridenour, Sheedy, Stephens, Summers, Toney, Ward, Winzenreid and Young.

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion was rejected.

Messages from the Senate

A message from the Senate, by

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

S. B. 1015, Amending amount of surplus deposited into Revenue Shortfall Reserve Fund.

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, of

S. B. 1001, Supplementing and amending appropriations to Department of Health and Department of Human Services.

Delegate Householder moved that the House concur in the following amendment of the bill by the Senate:

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

“That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0407, fiscal year 2025, organization 0506, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

58 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

	Appro-		General
	priation		Revenue
			Fund
Personal Services and Employee Benefits.....	00100	\$	3,362,243
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201		358,400
Unclassified	09900		6,459
Current Expenses	13000		225,201
Capital Outlay and Maintenance (R)	75500		70,000
BRIM Premium.....	91300		169,791
Department of Health Reserve.....	XXXXX		<u>5,013,844</u>
Total		\$	9,205,938

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any unexpended balances remaining in the appropriation Chief Medical Examiner (fund 0407, appropriation 04500) at the close of fiscal year 2024 shall be transferred to Chief Medical Examiner appropriation (fund 0432, appropriation 04500).

Any unexpended balances remaining in the appropriation Safe Drinking Water Program (fund 0407, appropriation 18700) at the close of fiscal year 2024 shall be transferred to Environmental Health Services appropriation (fund 0417, appropriation 30002).

Any unexpected balances remaining in the appropriation Statewide EMS Program Support (fund 0407, appropriation 38300) at the close of fiscal year 2024 shall be transferred to Statewide EMS Program Support appropriation (fund 0434, appropriation 38300).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis (fund 0407, appropriation 42001) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis appropriation (fund 0427, appropriation 42001).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis – Surplus (fund 0407, appropriation 42099) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis – Surplus appropriation (fund 0427, appropriation 42099).

Any unexpended balances remaining in the appropriation Vaccine for Children (fund 0407, appropriation 55100) at the close of fiscal year 2024 shall be transferred to Vaccine for Children appropriation (fund 0418, appropriation 55100).

Any unexpended balances remaining in the appropriation Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) at the close of fiscal year 2024 shall be transferred to the Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees appropriation (fund 0405, appropriation 57500).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy (fund 0407, appropriation 35401) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy (fund 0403, appropriation 35401).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402).

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Health shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of Health shall have the authority to make transfers from the Department of Health Reserve (fund 0407, appropriation XXXXX) appropriation to any general revenue funds under the department. The Secretary shall submit a monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Health Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Health Reserve appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of

the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

Any unexpended balance remaining in the appropriation Department of Health Reserve (fund 0407, appropriation XXXXX) as of March 31, 2025 shall revert to the unappropriated surplus balance of General Revenue.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0437, fiscal year 2025, organization 0513, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

79 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund 0437 FY 2025 Org 051

	Appro-	General
	priation	Revenue
		Fund
Personal Services and Employee Benefits.....	00100	\$ 5,583,690
Unclassified	09900	57,469
Current Expenses	13000	<u>1,583,603</u>
Total		\$ 7,224,762

From the above appropriation for Current Expenses (fund 0437, appropriation 13000), \$73,065 shall be used for informal dispute resolution relating to nursing home administrative appeals and \$650,000 shall be transferred to OIG fund 5209.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, to fund 0525, fiscal year 2025, organization 0506, be supplemented and amended to add a new item of appropriation:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

79A - Consolidated Medical Services Fund

(W.V. Code Chapter 16)

Fund 0525 FY 2025 Org 0506

Any unexpended balances remaining in the appropriations for Behavioral Health Program – Surplus (fund 0525, appropriation 63100) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0403, fiscal year 2025, organization 0511, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HUMAN SERVICES

81 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2025 Org 0511

	Appro- piation	General Revenue Fund
Personal Services and Employee Benefits.....	00100	\$ 32,554,845
Salary and Benefits of Cabinet Secretary and Agency Heads.....	00201	159,250
Unclassified	09900	5,120,050
Current Expenses	13000	5,557,409
Child Care Development.....	14400	3,138,536
Jobs & Hope	14902	2,357,000

Social Services	19500	46,136
Behavioral Health Program (R)	21900	66,864,419
Family Resource Networks	27400	1,762,464
Substance Abuse Continuum of Care (R)	35400	1,656,000
Office of Drug Control Policy (R)	35401	567,875
James "Tiger" Morton Catastrophic Illness Fund	45500	373,424
In-Home Family Education	68800	1,000,000
WV Works Separate State Program	69800	1,381,500
Child Support Enforcement	70500	6,227,186
Temporary Assistance for Needy Families/ Maintenance of Effort	70700	23,237,186
Child Care – Maintenance of Effort Match	70800	5,693,743
Capital Outlay and Maintenance (R)	75500	11,875
Medical Services Administrative Costs	78900	58,017
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	633,107
CHIP Services	85602	12,122,368
BRIM Premium	91300	945,891
Children's Trust Fund – Transfer	95100	220,000
Department of Human Services Reserve	XXXXX	<u>183,437,463</u>
Total		\$ 356,675,744

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100), and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Human Services shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one

appropriation may be transferred to other appropriations: *Provided, however,* That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above,* that for Fiscal Year 2025 the Secretary of the Department of Human Services shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *And provided, further, notwithstanding the above,* that for Fiscal Year 2025 the Secretary of Human Services shall have the authority to make transfers from the Department of Human Services Reserve (fund 0403, appropriation XXXXX) appropriation to any general revenue funds under the department: *And provided, further, notwithstanding the above,* That no funds may be transferred from Fund 0485, FY 2025 Org 0511 Bureau for Medical Services - Home and Community Based Waiver Programs to any other appropriation. The Secretary shall submit monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Human Services Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Human Services appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

The Secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

Any unexpended balance remaining in the appropriation Department of Human Services Reserve (fund 0403, appropriation XXXXX) as of March 31, 2025 shall revert to the unappropriated surplus balance of General Revenue.

The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the W.V. Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800) shall be transferred to the WV Works Separate State College Program Fund (fund 5467) and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the Secretary of the Department of Human Services.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500), an amount not to exceed \$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

Included in the appropriation for Behavioral Health Program (fund 0403, appropriation 21900), is \$100,000 for Recovery Point of Huntington.

The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children's Trust Fund (fund 5469).

From the above appropriation for Substance Abuse Continuum of Care (fund 0403, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan."

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 832**), and there were—yeas 14, nays 72, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

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

Delegate Criss moved that the House refuse to concur in the Senate amendment and request the Senate to recede.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 833**), and there were—yeas 86, nays none, absent and not voting 14, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fast, Hansen, Holstein, Horst, Kirby, Linville, McGeehan, Nestor, Pinson, Ross, Steele, Vance and Westfall.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

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

Delegate Foster moved that the House adjourn *sine die*, which motion was rejected.

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Bridges, Fast, Hansen, Horst and Vance.

At 8:52 p.m., the House of Delegates adjourned until 1:00 p.m., Tuesday, May 21, 2024.

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

SPECIAL CALENDAR

Tuesday, May 21, 2024

3rd Day

1:00 PM

THIRD 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 – Office of Technology Reorganization
- H. B. 111 - Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Department 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. 114 - Relating to political party nomination of presidential electors

SECOND READING

- H. B. 101 - Supplementing and amending appropriations to the Department of Health and Department of Human Services
- H. B. 115 - Relating to the amount of surplus deposited into the Revenue Shortfall Reserve Fund and providing for an effective date

HOUSE CALENDAR

Tuesday, May 21, 2024

3rd Day

1:00 PM

No Bills

HOUSE OF DELEGATES

TUESDAY, MAY 21, 2024

HOUSE CONVENES AT 1:00 P.M.

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