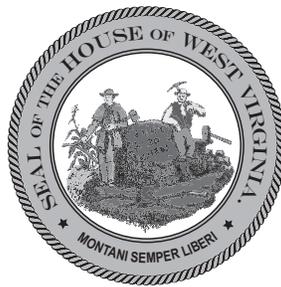


West Virginia Legislature

JOURNAL
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HOUSE of DELEGATES

Eighty-Sixth Legislature
Second Regular Session

Held at Charleston
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February 28, 2024
FIFTIETH DAY

Wednesday, February 28, 2024

FIFTIETH 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 Tuesday, February 27, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Householder announced that Com. Sub. for S. B. 331, Com. Sub. for S. B. 603, S. B. 712 and H. B. 5245, on Third Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 714, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

S. B. 173, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers,

And,

S. B. 802, Updating consumer credit and protection laws on certain agricultural vehicles and equipment,

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

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

Your Committee on Finance has had under consideration:

S. B. 574, Supplemental appropriation to DOT, Division of Highways,

S. B. 696, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management,

S. B. 700, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority,

S. B. 701, Supplementing and amending appropriations to Department of Education, School Construction Fund,

S. B. 703, Supplementing and amending appropriations to Department of Homeland Security, WV State Police,

S. B. 707, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources,

S. B. 708, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund,

S. B. 709, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority,

And,

S. B. 710, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children,

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

Special Calendar

Unfinished Business

Unanimous consent was obtained to move all items (Com. Sub. for S. C. R. 4, S. C. R. 21, Com. Sub. for S. C. R. 22, S. C. R. 23, S. C. R. 25 and Com. Sub. for S. C. R. 26) on Unfinished Business to the foot of all bills.

Third Reading

Com. Sub. for H. B. 4010, Relating to providing notification of utility service disruption to its' customers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 344**), 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, Ferrell, Hillenbrand, Holstein, Linville, Shamblin and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4010) passed.

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

Com. Sub. for H. B. 4258, To require railroad companies to provide alternative entry and exit ways; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 345**), 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, Ferrell, Hillenbrand, Holstein, Linville and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4258) passed.

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

H. B. 4305, Relating to granting in-state resident status to economic development participants; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 346**), and there were—yeas 85, nays 11, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Fast, Kimble, Kirby, Longanacre, Martin, McGeehan, C. Pritt, Vance and Ward.

Absent and Not Voting: Bridges, Ferrell, Hillenbrand and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4305) passed.

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

Com. Sub. for H. B. 4313, Creating the Parents' Bill of Rights; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 347**), and there were—yeas 83, nays 14, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fehrenbacher, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Stephens, Williams, Winzenreid and Young.

Absent and Not Voting: Bridges, Hillenbrand and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4313) passed.

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

Com. Sub. for H. B. 4408, To allow the development of a specialized intermediate care facility for individuals with intellectual and developmental disabilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 348**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hillenbrand, McGeehan and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4408) passed.

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

Com. Sub. for H. B. 4591, Give a 10-day right to appeal to the Supreme Court of Appeals a Secretary of State decision to not certify a candidacy; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 349**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hillenbrand, McGeehan and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4591) passed.

Delegate Householder moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 350**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hillenbrand, McGeehan and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4591) takes effect January 1, 2025.

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

Com. Sub. for H. B. 4709, Relating to vocational and technical education programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 351**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hillenbrand, McGeehan and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4709) passed.

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

H. B. 4721, Require Surveyors to offer to record surveys of property; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 352**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Hillenbrand, McGeehan, Steele and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4721) passed.

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

Com. Sub. for H. B. 4722, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 353**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Hansen, Kimble and Pushkin.

Absent and Not Voting: Hillenbrand, Steele and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4722) passed.

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

Com. Sub. for H. B. 4734, To provide a pay increase to state correctional workers in West Virginia; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 354**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4734) passed.

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

Com. Sub. for H. B. 4784, Establish setback from residential properties for new windmills being constructed throughout the state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 355**), and there were—yeas 84, nays 10, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Bridges, T. Clark, Garcia, Hamilton, Hansen, Pushkin, Rowe, Vance, Williams and Young.

Absent and Not Voting: Foster, Hornbuckle, Linville, Longanacre, Mallow and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4784) passed.

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

Com. Sub. for H. B. 4812, Capping amount of moneys to third party vendors who collect business and occupation taxes on behalf of cities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 356**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Dittman, Fast, Hansen, Jennings, Pushkin and Shamblin.

Absent and Not Voting: Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4812) passed.

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

H. B. 4822, Creating the Certified Sites and Development Readiness Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 357**), and there were—yeas 86, nays 13, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bridges, Coop-Gonzalez, Dean, Dillon, Foster, Kimble, Kirby, Longanacre, McGeehan, C. Pritt, Ridenour, Steele and Vance.

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4822) passed.

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

Com. Sub. for H. B. 4883, Relating to increasing annual salaries of certain employees of the state; on third reading, coming up in regular order, was read a third time.

Delegates Barnhart, Campbell, Dillon, Dittman, Foggin, Holstein, Householder, Kirby, Longanacre, E. Pritt, Pushkin, Shamblin, Stephens, Toney, Ward and Westfall requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and did not excuse the Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 358**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4883) passed.

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

Com. Sub. for H. B. 4919, Relating to the Promise Scholarship; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 359**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hardy, Ward and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4919) passed.

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

H. B. 4945, Relating generally to the Hope Scholarship Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 360**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Anderson, Bridges, Dean, Dillon, Ferrell, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Kirby, Lewis, E. Pritt, Pushkin, Ross, Rowe, Stephens, Toney, Williams and Young.

Absent and Not Voting: Hillenbrand, Longanacre and Mazzocchi.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4945) passed.

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

Com. Sub. for H. B. 4956, Creating the Oral Health and Cancer Rights Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 361**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez.

Absent and Not Voting: Criss, Hansen and Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4956) passed.

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

Com. Sub. for H. B. 4975, Relating to establishing a foster parent information system; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 362**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4975) passed.

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

On this question, the yeas and nays were taken (**Roll No. 363**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Moore and E. Pritt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4975) takes effect from its passage.

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

Com. Sub. for H. B. 5077, Establishing residency requirements for candidates seeking nomination and election to United States Congress; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 364**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Longanacre, E. Pritt and Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5077) passed.

Delegate Householder moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 365**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Longanacre, C. Pritt, E. Pritt and Ridenour.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5077) takes effect January 1, 2025.

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

Com. Sub. for H. B. 5137, Relating to requiring the State Auditor to conduct audits of all county boards of education; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 366**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer and Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5137) passed.

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

Com. Sub. for H. B. 5137 - “A Bill to amend and reenact §12-4A-2 of the Code of West Virginia, 1931, as amended, relating to county board of education finances; authorizing the State Auditor to conduct financial assessments of all county boards of education; requiring each county board of education to be audited at least once every six years; providing for assessment requirements; requiring submission of certain reports to the Joint Committee on Government and Finance; requiring use of the Local Government Purchasing Card Program; authorizing the State Auditor to charge certain fees; and providing an effective date.”

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

Com. Sub. for H. B. 5188, Relating to awards and benefits for duty related disability in the municipal police officers and firefighters retirement system; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 367**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5188) passed.

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

H. B. 5192, Relating to requiring the Board of Pharmacy to promulgate rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 368**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster and Vance.

Absent and Not Voting: Burkhammer and Miller.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5192) passed.

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

H. B. 5194, Requiring purchases of certain commodities and services from state use program partners; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 369**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Gearheart.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5194) passed.

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

H. B. 5194 – “A Bill to amend and reenact §5A-3-10 of the West Virginia Code, 1931, as amended, relating to requiring certain purchases of commodities and services; requiring the Director of Purchasing to purchase certain goods and services produced and offered for sale by nonprofit workshops; requiring the director to consult with the Committee for the Purchase of Commodities and Services from the Handicapped in making purchasing decisions; and providing that the amendments to this section amended during the 2024 legislative session shall apply to all applicable purchases made on or after July 1, 2025.”

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

H. B. 5213, To allow Gold Star spouses to receive one free Gold Star vehicle registration for personal use; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 370**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5213) passed.

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

At 11:13 p.m., on motion of Delegate Householder, the House of Delegates recessed until 11:45 p.m.

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Late Morning Session

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

A special presentation was made by students from Shoals Elementary School and the West Virginia Schools for the Deaf and the Blind.

At 11:59 a.m., on motion of Delegate Householder, the House of Delegates recessed until 12:15 p.m.

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Afternoon Session

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

Unanimous consent was then obtained to take up **S. C. R. 21** for consideration.

S. C. R. 21, US Army MSG James E. Jackson Jr. Memorial Road; on unfinished business, was reported by the Clerk.

On motion of Delegate Householder, the resolution was on line 5, following the word "in" by striking "New York City" and inserting in lieu thereof "Talcott, West Virginia".

The resolution, as amended, was then adopted.

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

Special Calendar

Third Reading

-continued-

Com. Sub. for H. B. 5241, Requiring the West Virginia Office of the Insurance Commissioner to audit certain PEIA claims; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 371**), and there were—yeas 90, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Foggin, Hite, Lewis, Lucas, Nestor, Petitto, Rohrbach, Steele, Young and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5241) passed.

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

Com. Sub. for H. B. 5289, To allow for the implementation of Educational Software in West Virginia public schools; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 372**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Lewis, Nestor, Petitto, Steele and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5289) passed.

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

Com. Sub. for H. B. 5297, Relating to prohibiting pubertal modulation and hormonal therapy when provided to assist in a gender transition; on third reading with amendments pending and the right to amend, was reported by the Clerk.

Delegate Pushkin moved to amend the bill on page 2, Section 20, line 40, following the semicolon by striking out the word "and"; and on line 43, by striking out the period, inserting a semicolon and the following:

"and

(5) Pubertal modulating and hormonal therapy for severe gender dysphoria if the treatment was initiated prior to the effective date of this section.";

And,

On page 5, Section 17, line 39, following the semicolon by striking out the word "and"; and on line 42, by striking out the period, inserting a semicolon and the following:

"and

(5) Pubertal modulating and hormonal therapy for severe gender dysphoria if the treatment was initiated prior to the effective date of this section."

On the question of the adoption of the amendment, the same was put and the amendment was rejected.

Delegate Pushkin moved to amend the bill on page 2, Section 20, line 40, following the semicolon by striking out the word "and"; and on line 43, by striking out the period, inserting a semicolon and the following:

"and

(5) The adolescent's attending physician expresses in a written opinion that treatment is medically necessary to treat the minor's psychiatric symptoms that makes the minor a danger to commit suicide without such treatment.";

And,

On page 5, Section 17, line 39, following the semicolon, by striking out the word "and"; and on line 42, by striking out the period, inserting a semicolon and the following:

"and

(5) The adolescent's attending physician expresses in a written opinion that treatment is medically necessary to treat the minor's psychiatric symptoms that makes the minor a danger to commit suicide without such treatment."

On the question of the adoption of the amendment, the same was put and the amendment was rejected.

There being no further amendments, and having become the engrossed bill, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 373**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Pushkin, Rowe, Williams, Winzenreid and Young.

Absent and Not Voting: Lewis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5297) passed.

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

H. B. 5305, Relating to impaired driving not eligible for deferred adjudication; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 374**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Heckert, Lewis, Ridenour and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5305) passed.

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

Com. Sub. for H. B. 5331, Relating to boating safety education certificate; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for H. B. 5331) was moved to the foot of bills.

Com. Sub. for H. B. 5338, Relating to Safe Harbor for Cybersecurity Programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 375**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Hillenbrand, Kump, Lewis, Pushkin, Ridenour, Vance and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5338) passed.

Delegate Householder moved that the bill take effect January 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 376**), 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, Hillenbrand, Kump, Lewis, E. Pritt, Pushkin, Ridenour, Vance and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5338) takes effect January 1, 2025.

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

Com. Sub. for H. B. 5340, Relating to requiring insurance coverage for a nonopioid drug for the treatment of pain for patients with substance use disorder; on third reading, coming up in regular order, was read a third time.

Delegate Griffith asked unanimous consent to amend the bill on third reading, objection being heard.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 377**), 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, Devault, Hillenbrand, Kump, E. Pritt and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5340) passed.

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

Com. Sub. for H. B. 5344, Relating to testimony of cognitively delayed persons in open court and criminal penalties for assault of cognitively delayed persons; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 378**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Devault, Hillenbrand and Kump.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5344) passed.

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

Com. Sub. for H. B. 5344 - “A Bill to amend and reenact §61-8B-5 of the Code of West Virginia, 1931, as amended, relating to creating an offense of relating to sexual assault in the third degree relating to a mentally defective or mentally incapacitated victim and creating criminal penalties and fines relating to said offense; relating to sexual assault in the third degree; relating to creating criminal penalties and fines; and clarifying when a mentally defective victim may be allowed to testify using two-way videoconferencing, or two-way closed circuit television.”

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

Com. Sub. for H. B. 5349, West Virginia Truth in Food Labeling Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 379**), and there were—yeas 86, nays 11, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Kump, Vance and Winzenreid.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5349) passed.

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

Com. Sub. for H. B. 5358, Creating an ombudsman program within the Division of Corrections and Rehabilitation to review complaints against a state agency or correctional facility; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 380**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5358) passed.

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

Com. Sub. for H. B. 5373, Relating to changing political parties less than one year prior to being appointed to political office; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 381**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Summers.

Absent and Not Voting: Kump, Steele, Vance and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5373) passed.

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

Com. Sub. for H. B. 5373 - "A Bill to amend and reenact §3-10-3; §3-10-4; §3-10-5; §3-10-6; §3-10-7; and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to prohibiting the appointment of an individual to fill a vacant partisan office if that person has not been a member of that party for one year and requiring appointments be made from the political party with which the individual vacating the office was affiliated with at the time of his or her most recent election."

Delegate Householder moved that the bill take effect January 1, 2025.

Subsequently, in the absence of objection, Delegate Householder withdrew the motion and moved that the bill take effect July 1, 2024.

On this question, the yeas and nays were taken (**Roll No. 382**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Steele and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5373) takes effect July 1, 2024.

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

Com. Sub. for H. B. 5379, Relating to financial assistance available for a prescription drug; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 383**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Steele and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5379) passed.

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

Com. Sub. for H. B. 5405, Providing additional professional development and support to West Virginia educators through teacher and leader induction and professional growth; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 384**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Hardy, Kump, Steele and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5405) passed.

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

Com. Sub. for H. B. 5432, To move the essential functions of the Information Services and Communications Division into the Office of Technology; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 385**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hardy, Kump and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5432) passed.

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

H. B. 5437, Relating to time limits imposed on the Division of Highways to grant a highway entrance permit; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 386**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5437) passed.

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

Com. Sub. for H. B. 5510, Clarify law regarding the crime of witness tampering; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 387**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Linville, Martin and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5510) passed.

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

Com. Sub. for H. B. 5514, Enhancing training requirements for county boards of education members; on third reading, coming up in regular order, was read a third time.

Delegate Ross requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and did not excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 388**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Adkins, Barnhart, Brooks, Butler, Campbell, Cannon, T. Clark, Coop-Gonzalez, Espinosa, Ferrell, Foster, Gearheart, Hardy, Horst, Longanacre, Martin, Maynor, Ridenour, Riley, Ross, Smith, Thorne, Vance and Ward.

Absent and Not Voting: Kump, Steele and Stephens.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5514) passed.

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

H. B. 5551, Relating to continuing education concerning domestic violence; on third reading, coming up in regular order, was reported by the Clerk.

There being no objection, the bill (H. B. 5551) was moved to the foot of bills.

Com. Sub. for H. B. 5583, Relating of movement of oversized vehicles on roadways; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 389**), and there were—yeas 90, nays 7, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Dillon, Gearheart, Hardy, Kirby, Longanacre, Street and Vance.

Absent and Not Voting: Foggin, Kump and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5583) passed.

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

Com. Sub. for H. B. 5583 - “A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Commissioner of the Division of Highways to issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter over routes designated by the Commissioner of the Division of Highways at night, and during holidays, holiday weekends, Saturdays, and Sundays; and relating to the types of highways that this special permit may be issued.”

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

H. B. 5594, Exempting West Virginia University and Marshall University from contracts, agreements, or memorandums of understanding with spending units in state government with exceptions; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Criss asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Criss, the bill was amended on page 2, section 1, line 31, following the word “and” by inserting “West Virginia School of Osteopathic Medicine,”.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 390**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Bridges, Brooks, Coop-Gonzalez, Dean, Dillon, Foster, Kirby, Ridenour, Vance and Ward.

Absent and Not Voting: Kump, Steele and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5594) passed.

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

H. B. 5594 - "A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended, relating to exempting the West Virginia School of Osteopathic Medicine, West Virginia University and Marshall University from contracts, agreements, or memorandums of understanding with spending units in state government with exceptions."

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

Com. Sub. for H. B. 5595, Relating to shortened procedure for road condition claims; on third reading, coming up in regular order, was read a third time.

Delegate Summers requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegate was a member of a class of persons possibly to be affected and did not excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 391**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Kump, Steele and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5595) passed.

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

Com. Sub. for H. B. 5604, Relating to procurement by state spending units; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 392**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dillon, Fast, Foster, Gearheart, Griffith, Kirby, Longanacre, Marple, Ridenour, Ross, Rowe and Vance.

Absent and Not Voting: Kump and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5604) passed.

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

Com. Sub. for H. B. 5609, Relating to confidentiality of child care records and the Foster Care Ombudsman; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 393**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Devault, Kump, Steele and Warner.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5609) passed.

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

Com. Sub. for H. B. 5609 - “A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to the confidentiality of records; and providing that the Department of Human Services shall provide information related to child abuse or neglect proceedings, including information relating to the identity of the person reporting or making a complaint of child abuse or neglect, to the Foster Care Ombudsman, or its designee, upon request and acting in the course of their official duties; and providing that the Department of Human Services in cases of a child fatality, or near fatality, due to child abuse or neglect shall release information that includes the identity of a person making a complaint of child abuse or neglect relating to the child fatality, or near fatality, to the Foster Care Ombudsman, or its designee, acting in the course of their official duties.”

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

Com. Sub. for H. B. 5617, Authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Householder, and by unanimous consent, the bill (Com. Sub. for H. B. 5617) was moved to the foot of bills.

Com. Sub. for H. B. 5623, Relating to absentee voting; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 394**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Kump, Shamblin, Steele and Warner.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5623) passed.

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

H. B. 5632, Relating generally to West Virginia Real Estate License Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 395**), 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: Vance.

Absent and Not Voting: Bridges, Kump, Longanacre, Shamblin, Steele and Warner.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5632) passed.

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

H. B. 5639, Prompt Payment Act of 2024; on third reading, coming up in regular order, was read a third time.

Delegates Burkhammer, Campbell, Criss, DeVault, Foster, Garcia, Gearheart, Hansen, Hardy, Heckert, Hite, Hornby, Hott, Howell, Martin, Pinson, C. Pritt, Riley, Sheedy, Summers, Tully, Ward, Winzenreid and Worrell requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and did not excuse the Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 396**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Bridges, Kump, Ridenour and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5639) passed.

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

Com. Sub. for H. B. 5668, Creating the Responsible Gaming and Research Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 397**), and there were—yeas 84, nays 12, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Dillon, Fast, Gearheart, Jennings, Kimble, Kirby, Longanacre, Toney, Vance and Worrell.

Absent and Not Voting: Bridges, Kump, Linville and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5668) passed.

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

Com. Sub. for H. B. 5676, Relating to changing the maximum amount a County Clerk can charge to settle an estate and removing reference to Fiduciary Commissioner; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 398**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Dillon, Foggin, Foster, Gearheart, Longanacre and Ridenour.

Absent and Not Voting: Bridges, Kump and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5676) passed.

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

Com. Sub. for H. B. 5676 - "A Bill to amend and reenact §44-2-1 of the Code of West Virginia, 1931, as amended, relating to providing guidance for estates not classified as a small estate for proof and determination of debts and claims, establishment of priority, determination of the amount of respective shares of legatees and distributes, and other matters; relating to claims of an unpaid creditors for estates not classified as a small estate and the process to determine the validity of a claim and when a fiduciary commissioner is required to take up the matter of the validity of the claim and when no referral to a fiduciary commissioner may be made; and relating to estates with a value of \$200,000 or less, exclusive of real estate and nonprobate assets, or if it appears to the clerk that there is only one beneficiary and providing that these estates shall not be referred to a fiduciary commissioner after delivery of an appraisalment of the assets by the personal representative; relating to claims of an unpaid creditors for estates and the process to determine the validity of a claim and when a fiduciary commissioner is required to take up the matter of the validity of the claim and when no referral to a fiduciary commissioner may be made for estates with a value of \$200,000 or less, exclusive of real estate and nonprobate assets, or if it appears to the clerk that there is only one beneficiary; relating to changing the fee that a fiduciary commissioner may charge an estate for services related to settlement of the estate to \$500, with outlined exceptions; and relating to counties where there are two or more fiduciary commissioners, then referral to these commissioners shall be in rotation, for equal division of work; and providing that for any estate referred to a fiduciary commissioner any fees and costs provided under this section shall be assessed as costs against any requestor or objector who does not substantially prevail on its claim proportionately according to the number of claimants not substantially prevailing."

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

At 3:03 p.m., on motion of Delegate Householder, the House of Delegates recessed until 3:30 p.m.

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Late Afternoon Session

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

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Householder announced that Com. Sub. for H. B. 5331, on Third Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 4700, on Third Reading, House Calendar, had been transferred to the Special Calendar.

Delegate Foster moved to transfer **Com. Sub. for H. B. 5331**, Relating to boating safety education certificate, from the House Calendar to the Special Calendar.

On this motion, the yeas and nays were taken (**Roll No. 399**), and there were—yeas 12, nays 77, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Brooks, Butler, Coop-Gonzalez, Crouse, Dillon, Fast, Foster, Longanacre, Martin, Miller and Ridenour.

Absent and Not Voting: Barnhart, W. Clark, Dean, Ellington, Ferrell, Hillenbrand, Kirby, Kump, Lucas, Steele and Ward.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected.

Special Calendar

Third Reading

-continued-

H. B. 4700, Banning certain persons from sport wagering activities; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Fluharty, the bill was amended on page 1, by striking everything after the enacting clause and inserting in lieu thereof:

“§29-22D-4. Commission duties and powers.

(a) In addition to the duties set forth elsewhere in this article, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code, the commission

shall have the authority to regulate sports pools and the conduct of sports wagering under this article.

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

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

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

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

(d) The commission shall promulgate a legislative rule pursuant to §29A-3-1 *et seq.* of this code that enumerates the reasons for which patrons of sports gaming may be banned from engaging in sports betting. The list of reasons for which patrons may be banned shall include, but not be limited to:

(1) A prior conviction under §61-2-15a of this code;

(2) A prior violation of an order of the commission; and

(3) If the commission determines that the person poses a threat to the safety of patrons or participants in a sporting event or determines that the person has engaged in a pattern of conduct of harassing a sports official, coach, or any participants.

Such rule shall also set forth the procedure by which complaints against patrons are lodged with and investigated by the commission. The commission shall notify a person of the commission's intent to ban such person from sports betting, and such person is entitled to a hearing before the commission pursuant to §29A-5-1 *et seq.* of this code.

~~(d)~~ (e) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses, and shall maintain a record of all licenses issued under this article. The commission may accept applications, evaluate qualifications of applicants, and undertake

initial review of licenses prior to promulgation of emergency rules upon the effective date of this article.

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

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

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

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

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

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

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

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

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

~~(e)~~ (d) The commission shall promulgate regulations implementing the provisions of §29-22D-15(a) of this code by interpretive rule and minimum internal control standards.

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

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

~~(h)~~ (g) No commission employee may knowingly wager or be paid any prize from any wager placed at any licensed gaming facility with West Virginia Lottery sports wagering within this state or at any facility outside this jurisdiction that is directly or indirectly owned or operated by a sports wagering licensee.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken **(Roll No. 400)**, and there were—yeas 90, nays 1, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Barnhart, W. Clark, Dean, Hillenbrand, Horst, Kirby, Kump, Steele and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4700) passed.

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

H. B. 4700 - "A Bill to amend and reenact §29-22D-4 and §29-22D-15 of the Code of West Virginia, 1931, as amended, all relating to giving the lottery commission rule making authority to promulgate rules relating to banning certain persons from sports wagering."

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

Com. Sub. for H. B. 5685, Relating to Medicaid Cost Containment; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

An amendment offered by Delegate Rohrbach, was reported by the Clerk, on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Medicaid program waivers and amendments; rulemaking requirement; reporting requirements.

(a) The Bureau for Medical Services shall study all benefits and eligibility provided by the program in relation to all surrounding states, and the five states nationally with the lowest per capita costs, every three years. For each benefit or eligibility that the West Virginia Medicaid program offers which exceeds that of any of the listed states, the Bureau for Medical Services must report the differential and offer a recommendation as to whether or not the agency supports continuing that benefit and/or eligibility at the current threshold. A six-year projection for expenditures for the identified benefit must be included in a report to the Legislature. The first

report shall be submitted no later than December 31, 2024, to the Joint Committee on Government and Finance. Thereafter, the Bureau for Medical Services shall submit a report every three years.

(b) The Bureau for Medical Services shall submit a report by December 1 of each year to the Joint Committee on Government and Finance that analyzes how to achieve a one percent state match budget reduction from the previous fiscal year. An explanation must be provided with each identified budget reduction item on the costs and benefits of such a program change. It is not required that these proposals be acted upon by the Bureau or the Legislature.

(c) The Bureau for Medical Services shall undertake an annual study, in conjunction and with support of any state government agency that may be impacted by state Medicaid program funding, to determine if those functions can be financially covered by the state Medicaid program or more efficiently covered by the state Medicaid program. Analysis shall be undertaken where programs leveraging state Medicaid program funding have services evaluated to determine if they are in excess of bottom quartile of United States. This report shall be submitted to the Joint Committee on Government and Finance by December 1 with any recommendations concerning state budgetary savings.

(d) The Bureau for Medical Services shall conduct a study to determine if existing waiver programs have generated financial offsets as originally planned. This initial study must be submitted to the Joint Committee on Government and Finance by December 1, 2024. This study must be conducted before any reauthorization is submitted to the federal Centers for Medicare and Medicaid Services.

(e) The Bureau for Medical Services shall study and submit a report to Joint Committee on Government and Finance by July 1, 2025, concerning strategies that may be undertaken by the state to mitigate the benefit cliff. The benefit cliff occurs when an increase in a worker's earned income causes a disproportionately greater loss of critical public assistance healthcare benefits. A cliff can be prompted by a modest raise or a worker taking a new job with higher pay, or by someone rejoining the workforce after some time away.

(f) The Bureau for Medical Services shall submit to Joint Committee on Government and Finance, each year by December 1, a report on West Virginia's improper payment rate. The Bureau must include in this report the following:

(1) The national average;

(2) Three states with the lowest improper payment rate;

(3) The amount of improper payment with breakdown of where these payments were made and why; and

(4) Strategies on how to improve state improper payment rate.

(g) The Bureau for Medical Services shall develop a population health outcomes report that quantifies the highest expenditure services, fastest growing expenditures, and areas actuarially identified as having the greatest elasticity in driving down long-term expenditures. This report shall provide where West Virginia ranks relative to other states, if available. The report shall also quantify rates across demographics for obesity, diabetes, substance use disorder, heart disease, cancer, infections following or during care, intrauterine substance exposure, neonatal abstinence syndrome, dental health, diabetes, chronic obstructive pulmonary disease, and other chronic

conditions as determined a priority by the Secretary. This report shall be submitted to the Joint Committee on Government and Finance by December 1 each year.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN RESOURCES ACCOUNTABILITY.

§16-29E-12. Medicaid program waivers and amendments.

(a) The Bureau for Medical Services shall submit Medicaid Waivers and State Plan Amendments that grow total program expenditures \$3 million in state dollars or more beyond current expenses of the most recent available fiscal year to the commission.

(b) Within 60 days of submission, the commission shall recommend to the bureau that:

(1) it proceeds with the submission of the Medicaid Waiver or State Plan Amendment;

(2) it should change the Medicaid Waiver or State Plan Amendment; or

(3) it withdraws the Medicaid Waiver or State Plan Amendment.

(c) The commission shall provide its recommendations to the Chairs of the Finance committees.”

An amendment offered by Delegates Williams was reported by the Clerk.

Whereupon,

Delegate Williams obtained unanimous consent to withdraw the amendment.

Delegate Williams moved to amend the amendment on page 3, Section 12, line 2, by striking out the words "\$3 million in state dollars or more beyond" and inserting in lieu thereof the words "an amount equal to or greater than the inflation indicator for Medicare and Medicaid, as published by the Congressional Budget Office for".

On the question of the adoption of the amendment to the amendment offered by Delegate Williams, the same was put and rejected.

On the question of the adoption of the amendment offered by Delegate Rohrbach, the same was put and adopted.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 401**), and there were—yeas 83, nays 11, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Householder, Kirby, Kump, Ross, Steele and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5685) passed.

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

H. B. 5698, Relating to the Consumer Data Protection Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 402**), and there were—yeas 86, nays 7, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Criss, Fluharty, Hornbuckle, Lewis, Pushkin, Riley and Rowe.

Absent and Not Voting: Foster, Householder, Kirby, Kump, Ross, Steele and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5698) passed.

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

Second Reading

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

S. B. 240, Increasing fees charged by sheriff,

And,

S. B. 752, Authorizing Department of Agriculture to complete certain land transfers.

First Reading

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

S. B. 164, Relating generally to trespassing,

Com. Sub. for S. B. 370, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals,

Com. Sub. for S. B. 451, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys,

S. B. 529, Including Salem University in PROMISE Scholarship program,

And,

Com. Sub. for S. B. 539, Creating cold case database.

In the absence of objection, the House then returned to Unfinished Business.

Unfinished Business

Com. Sub. for S. C. R. 4, US Army 2LT Eston Kuhn Memorial Bridge; on unfinished business, was reported by the Clerk, and adopted.

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

Com. Sub. for S. C. R. 22, USMC Major Cornelius Burdette Memorial Road; on unfinished business, was reported by the Clerk, and adopted.

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

S. C. R. 23, US Navy LT Lewis Joseph D'Antoni Memorial Road; on unfinished business, was reported by the Clerk, and adopted.

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

S. C. R. 25, US Army SGT Wyatt K. Hinton Memorial Bridge; on unfinished business, was reported by the Clerk, and adopted.

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

Com. Sub. for S. C. R. 26, US Army Private Clarence William "Buck" Holliday Memorial Road; on unfinished business, was reported by the Clerk, and adopted.

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

Third Reading

-continued-

H. B. 5551, Relating to continuing education concerning domestic violence; on third reading, was reported by the Clerk.

Delegate Phillips obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Phillips, the bill was amended on page 2, section 7a, line 22, by striking the word "and" and inserting in lieu thereof the word "or".

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 403**), and there were—yeas 90, nays 1, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Garcia, Hansen, Hornby, Householder, Kirby, Kump, Ross, Steele and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5551) passed.

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

Com. Sub. for H. B. 5617, Authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

Delegate Linville obtained unanimous consent to have the amendments he and Delegate Akers had filed withdrawn.

Having become the engrossed bill, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 404**), and there were—yeas 89, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler and Coop-Gonzalez.

Absent and Not Voting: Heckert, Hornby, Householder, Kirby, Kump, Nestor, Ross, Steele and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5617) passed.

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

In the absence of objection, the House returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

S. B. 162, Establishing Summer Feeding for All Program,

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

In accordance with the former direction of the Speaker, the bill (S. B. 162) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 292, Hunger-Free Campus Act,

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

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. R. 9, Reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan,

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

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

Com. Sub. for S. B. 571, Creating WV Corridor H Advanced Energy and Economic Corridor Authority,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 571) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

S. B. 782, Defining deadlines for local permits and extensions for property development or improvement,

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

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

Com. Sub. for S. C. R. 1, US Army PFC Leon Charles Trader Memorial Bridge,

S. C. R. 2, US Army PFC John Henry Trail Memorial Bridge,

Com. Sub. for S. C. R. 5, US Army 1LT Herschel Jarrell Memorial Road,

Com. Sub. for S. C. R. 6, US Army SSG Orland Jackson "Tom" Meikles Memorial Road,

S. C. R. 8, US Army Corporal Clemon Knapp Memorial Bridge,

Com. Sub. for S. C. R. 11, US Marine Corps PFC Noel Harper Fields Memorial Bridge,

Com. Sub. for S. C. R. 12, US Army Private Raymond Lee Perkins Memorial Bridge,

Com. Sub. for S. C. R. 14, US Army PFC William Gorman Memorial Bridge,

S. C. R. 15, Chief Edward "Eddie" Keesecker Memorial Bridge,

S. C. R. 18, Stanley W. and Evelyn C. See Memorial Bridge,

And,

S. C. R. 19, US Army PFC Henry W. Baldwin Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

At the respective requests of Delegate Jeffries, and by unanimous consent, reference to the Committee on Rules was dispensed with and the resolutions (Com. Sub. for S. C. R. 1, S. C. R. 2, Com. Sub. for S. C. R. 5, Com. Sub. for S. C. R. 6, S. C. R. 8, Com. Sub. for S. C. R. 11, Com. Sub. for S. C. R. 12, Com. Sub. for S. C. R. 14, S. C. R. 15, S. C. R. 18 and S. C. R. 19 were taken up for immediate consideration, and adopted en masse.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 2, U.S. Army SPC Steven W. Herron Memorial Bridge.

On page 1, in the third Whereas clause, line 10, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars".

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 3, Legg Brothers WWII Veterans Memorial Bridge.

On page 1, in the third Whereas clause, line 10, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars";

And,

On page 2, in the sixth Whereas clause, line 20, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars".

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 7, U. S. Navy Radarman 3rd Class Craig W. Haines Memorial Bridge.

On page 2, in the Resolved clause, line 24, by striking out the words "Radarman 3rd Class" and inserting in lieu thereof "PO3";

On page 2, in the first Further Resolved clause, line 27, by striking out the words "Radarman 3rd Class" and inserting in lieu thereof "PO3";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Com. Sub. for H. C. R. 7 - "Requesting the Division of Highways name bridge number 29-013/00-005.67 () (29A078), (39.29672, -78.93246) locally known as RUSSELDALE BRIDGE, carrying CR 13 over PATTERSON CREEK in Mineral County, the "U.S. Navy PO3 Craig W. Haines Memorial Bridge".

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 8, Judy Brothers Memorial Bridge.

On page 1, in the Resolved clause, line 19, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

On page 2, in the first Further Resolved clause, line 23, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 8 - "Requesting the Division of Highways name a bridge bearing the Bridge Number: 14-050/00-007.31 (14A120), (39.33950, -78.77510) locally known as ROMNEY BRIDGE, carrying US 50 over SOUTH BR POTOMAC RIVER in Hampshire County, the 'Judy Brothers Veterans Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 9, Private Jefferson Howell Memorial Road.

On page 2, in the Resolved clause, line 32, by striking out the words “the “Private” and inserting in lieu thereof the words "in Mineral County, the “Union Army Private“;

On page 2, in the first Further Resolved clause, line 34, by striking out the word “Private” and inserting in lieu thereof the words "Union Army Private“;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Com. Sub. for H. C. R. 9 – “Requesting the Division of Highways name a section of WV Route 46, locally known as the Beryl Road and Shaw Road extending from the North Branch of the Potomac River at Piedmont WV to the Kantor Cutoff between 39.47994830263841, -79.06627907466128 and 39.427643533576884, -79.09318170874904, in Mineral County, the ‘Union Army Private Jefferson Howell Memorial Road’.”

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 18, Caldwell Brothers Memorial Bridge.

On page 2, in the Resolved clause, line 41, by striking out the word “Memorial” and inserting in lieu thereof the words "Veterans Memorial“;

On page 2, in the first Further Resolved clause, line 43, by striking out the word “Memorial” and inserting in lieu thereof the words "Veterans Memorial“;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 18 - “Requesting the Division of Highways name bridge 06-064/00-21.75 (06A243), locally known as Howells Mill Overpass Westbound, carrying I-64 over Mud River and County Route 1 in Cabell County and 06-064/00-2175 (06A242), locally known as Howells Mill Overpass Eastbound, carrying I-64 over Mud River and County Route 1 in Cabell County, the ‘Caldwell Brothers Veterans Memorial Bridge’.”

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 19, CPL Thomas Lowell Wines Memorial Bridge.

On page 2, in the Resolved clause, line 34, by striking out “CPL” and inserting in lieu thereof the words "U.S. Army CPL“;

On page 2, in the first Further Resolved clause, line 37, by striking out “CPL” and inserting in lieu thereof the words "U.S. Army CPL“;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Com. Sub. for H. C. R. 19 - Requesting the Division of Highways name bridge number 20-039/00-000.05 (38.4628604688791, -81.5001270435965) locally known as Shady Sadie's Bridge, carrying CR 33 over Little Sandy Creek in Kanawha County, the 'U.S. Army CPL Thomas Lowell Wines Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 20, SP4 Donnie Lee Hackney Memorial Bridge.

On page 2, in the Resolved clause, line 26, by striking out "SP4" and inserting in lieu thereof the words "U.S. Army SP4";

On page 2, in the first Further Resolved clause, line 28, by striking out "SP4" and inserting in lieu thereof the words "U.S. Army SP4";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 20 – "Requesting the Division of Highways name bridge number: 20-033/00-005.06 (38°33'23.9 -81°33'45.0) locally known as the Yukon Bridge, carrying CR 33 over the Pocatalico River in Kanawha County, the 'U.S. Army SP4 Donnie Lee Hackney Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 26, PFC Jerry Lee Bassett Memorial Bridge.

On page 1, in the fourth Whereas clause, line 8, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars";

On page 1, in the Resolved clause, line 17, by striking out the word "PFC" and inserting in lieu thereof the words "U.S. Army PFC";

On page 2, in the first Further Resolved clause, line 20, by striking out the word "PFC" and inserting in lieu thereof the words "U.S. Army PFC";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Com. Sub. for H. C. R. 26 - "Requesting the Division of Highways name bridge number 52-054/00-000.75 (52A088), (39.56097, -80.72622) locally known as Crow Run Bridge, carrying CR 04 over Crow Run in Wetzel County, as the 'U.S. Army PFC Jerry Lee Bassett Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 30, Jack L. Hart Memorial Bridge.

On page 2, in the Resolved clause, line 28, by striking out the word "Jack" and inserting in lieu thereof the words "USAF A1C Jack";

On page 2, in the first Further Resolved clause, line 32, by striking out the word "Jack" and inserting in lieu thereof the words "USAF A1C Jack";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 30 – "Requesting the Division of Highways name a bridge bearing the Bridge Number: 26-250/00-013.37 () (26A094), (39.84754, -80.55577) locally known as Clouston Bridge, carrying US 250 over North Fork Grave Creek in Marshall County as the 'USAF A1C Jack L. Hart Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 32, Sloan Brothers Memorial Bridge.

On page 2, in the Resolved clause, line 28, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

On page 2, in the first Further Resolved clause, line 30, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 32 – "Requesting the Division of Highways name Bridge Number 44-079/00-029.04 (NB) (44A125), at 38.58216 latitude and -81.21047 longitude and originally known as the Big Sandy Creek N (CSPG) at CR29 & Big Sandy Creek, near Amma, WV in Roane County, the 'Sloan Brothers Veterans Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 36, Chief Master Sgt. Dan Chandler Bridge.

On page 2, in the Resolved clause, line 21, by striking out the words "Chief Master Sgt." and inserting in lieu thereof "USAF CMSgt";

On page 2, in the first Further Resolved clause, line 23, by striking out the words “Chief Master Sgt.” and inserting in lieu thereof “USAF CMSgt”;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 36 – “Requesting the Division of Highways name Bridge Number 11642, beginning at 38°27'10N 81°51'38W and ending at 38°27'12"N 81°51'39W, on Bills Creek Road near Scott Depot in Putnam County, the ‘USAF CMSgt Dan Chandler Bridge’.”

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 39, US Army SP3 Delbert Sherdan “Buck” Huffman Sr. Memorial Bridge.

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

Whereas, On March 28, 1933, Delbert Sherdon "Buck" Huffman Sr. was born in Erwin, West Virginia to Charles Frank and Lettia Huffman. He was the youngest of 9 siblings; and

Whereas, Buck graduated from Fellowsville High School in 1951. After high school, Buck enlisted in the United States Army. Buck was deployed and served in the Korean War in 1956, and he was Honorably Discharged from the United States Army; and

Whereas, Buck immediately reenlisted with the United States Army and continued to serve. In 1965-1966, Buck was deployed to Vietnam for a tour of duty. In 1970-1971, Buck was again deployed to Vietnam for his second tour of duty during that conflict; and

Whereas, Following his return home from his second tour in Vietnam, Buck continued to serve with the United States Army. He was stationed at various military bases across the United States and Germany. In 1976, after 23 years of service to the United States Army, Buck was honorably discharged and retired from the military; and

Whereas, Buck's warrior spirit and dedication to his country did not go unrecognized. For his service Buck was awarded the following: the Bronze Star Medal, Meritorious Service Medal, Air Medal, Army Commendation Medal, Presidential Unit Citation, Meritorious Unit Commendation, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Cross of Gallantry with Palm, Republic of Vietnam Campaign Medal, and Expert Badge W/M14 Rifle Bar; and Silver Service was awarded in view of five Bronze Service Stars; and

Whereas, Following his retirement from the Army, Buck continued to support his fellow military veterans through the Kingwood VFW, of which he was a Post Commander. In addition, he was a member of the American Legion and the Disabled American Veterans; and

Whereas, On August 10, 2023, Buck passed away at the age of 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SFC Delbert Sherdon "Buck" Huffman Sr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 39-050/02-000.89 () (39A113), (39.32593, -79.81876), locally known as the Israel Bridge, carrying CR50/02 over Little Sandy Creek in Preston County, the "U.S. Army SFC Delbert S. "Buck" Huffman Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SFC Delbert S. "Buck" Huffman Sr. Memorial Bridge"; and, be it

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

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Com. Sub. for H. C. R. 39 – “Requesting the Division of Highways name bridge number 39-050/02-000.89 () (39A113), (39.32593, -79.81876), locally known as the Israel Bridge, carrying CR50/02 over Little Sandy Creek in Preston County, the ‘U.S. Army SFC Delbert S. "Buck" Huffman Sr. Memorial Bridge’.”

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

Com. Sub. for H. C. R. 40, USMC MSG Edward P. & MP Carl A. McCray Memorial Bridge.

On page 2, in the fifteenth Whereas clause, line 37, by striking out the word “MP” and inserting in lieu thereof the words “U.S. Army CPL”;

On page 2, in the Resolved clause, line 42, by striking out the word “MP” and inserting in lieu thereof the words “U.S. Army CPL”;

On page 3, in the first Further Resolved clause, line 45, by striking out the word “MP” and inserting in lieu thereof the words “U.S. Army CPL”;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Com. Sub. for H. C. R. 40 – “Requesting the Division of Highways name bridge number 25-033/02-000.55 () (25A077), (39.48162, -80.07274) locally known as REUBEN RUN BRIDGE, carrying CR 33/02 over REUBEN RUN in Marion County as the ‘USMC MSG Edward P. & U.S. Army CPL Carl A. McCray Memorial Bridge’.”

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 44, Frank Walker Mosley Memorial Bridge.

On page 2, in the Resolved clause, line 35, by striking out the words "County. The "Frank" and inserting in lieu thereof the words "County, the "U.S. Army PFC Frank";

On page 2, in the first Further Resolved clause, line 38, by striking out the word "Frank" and inserting in lieu thereof the words "U.S. Army PFC Frank";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 44 - "Requesting the Division of Highways name Bridge Number: 13-060/14-006.39 (13A127), (37.77177, -80.35636) locally known as HARTS RUN BRIDGE, carrying CR 60/14 over HOWARD CREEK in Greenbrier County, the 'U.S. Army PFC Frank Walker Mosley Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 53, U. S. Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge.

On page1, in the second Whereas clause, line 9, by striking out "1944" and inserting in lieu thereof "1943".

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 60, Terra Dawn Lewis Memorial Road and Bridge.

On page 2, in the Resolved clause, lines 18 through 21, by striking out the words "a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on WV 2/4, in Braxton County, together with the little bridge in front of the Providence Baptist Church the "Terra Dawn Lewis Memorial Road and" and inserting in lieu thereof the words "the bridge over Copen Run in front of Providence Baptist Church on Arnett Road, approximately 170 feet from the intersection of Arnett Road and Copen Road on WV 2/4, in Braxton County, the "Terra Dawn Lewis Memorial";

On page 2, in the first Further Resolved clause, lines 23 and 24, by striking out the words "at both ends identifying the portion of road as the "Terra Dawn Lewis Memorial Road and" and inserting in lieu thereof the words "identifying the bridge as the "Terra Dawn Lewis Memorial";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 60 - "Requesting the Division of Highways name the bridge over Copen Run in front of Providence Baptist Church on Arnett Road, approximately 170 feet from the intersection of Arnett Road and Copen Road on WV 2/4, in Braxton County, the 'Terra Dawn Lewis Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 61, Mollohan Brothers Memorial Bridge.

On page 2, in the Resolved clause, line 11, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

On page 2, in the first Further Resolved clause, line 14, by striking out the words "*Mollohan Bothers Memorial Bridge*" and inserting in lieu thereof the words "Mollohan Brothers Veterans Memorial Bridge";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 61 – "Requesting the Division of Highways name Bridge Numbers: 04-079/00-046.18 (NB & SB) (04A103, 04A104), (38.61716, -80.95085) locally known as SERVIA ICHG N & S, carrying IS 79 over Co 11 in Braxton County, the 'Mollohan Brothers Veterans Memorial Bridge'."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 68, U. S. Army Air Force, Major (Ret.) Willis "Scottie" Adams Memorial Bridge.

On pages 2 and 3, in the Resolved clause, lines 33 and 34, by striking out the words "Air Force, Major (Ret.)" and inserting in lieu thereof the words " Air Force Major";

On page 3, in the first Further Resolved clause, line 36, by striking out the words "*Mollohan Bothers Memorial Bridge*" and inserting in lieu thereof the words "Air Force, Major (Ret.)" and inserting in lieu thereof the words " Air Force Major";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

H. C. R. 68 - "Requesting the Division of Highways name Bridge Number: 11-047/00-004.96 (11A128), (39.04623, -80.83061) locally known as COXCAMP CONCRETE BOX BM, carrying WV 47 over COXCAMP FORK in Gilmer County, the 'U. S. Army Air Force Major Willis "Scottie" Adams Memorial Bridge'."

Unanimous consent was obtained for all of resolutions in these Senate Messages to be taken up for immediate consideration.

Delegate Kimble requested that H. C. R. 68 be taken up for separate consideration.

There being no objections, unanimous consent was obtained for the House to concur in the Senate amendments to each of the infrastructure naming resolutions except for H. C. R. 68.

On the question of adoption of the other resolutions, as amended, the same was put, and the resolutions were adopted en masse.

The House then concurred in the Senate amendments to H. C. R. 68.

H. C. R. 68, as amended, was then adopted.

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

Miscellaneous Business

Delegate Mazzocchi asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4975.

Delegate Heckert asked and obtained unanimous consent to be added as a cosponsor of H. B. 5213.

Delegate Foggin asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 5514.

Delegate Williams asked and obtained unanimous consent to be added as a cosponsor of H. B. 5594.

Delegate Vance asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4734, Com. Sub. for H. B. 4883 and Com. Sub. for H. B. 4975.

Delegate Nestor asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4883.

Delegate Pushkin asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4883.

Delegate Young asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4734 and Com. Sub. for H. B. 4883.

Delegate Green asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4313.

Delegate C. Pritt asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4313.

Delegate Hornby asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 5405.

Delegate Dillon asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4709.

Delegates Cannon and Hornbuckle asked and obtained unanimous consent to be added as a cosponsor of H. B. 4700.

Pursuant to House Rule 48, Delegate Kimble requested that her vote explanation from earlier today be printed in the Journal:

Delegate Kimble. Thank you, Mr. Speaker. I humbly ask unanimous consent to acknowledge that my vote on H. B. 4722 was in the negative and it should have been in the positive.

Delegate Kimble asked and obtained unanimous consent to be added as a cosponsor of H. B. 5510.

Consent was obtained for the comments of Delegate Ridenour regarding Com. Sub. for S. C. R. 4 and Com. Sub. for S. C. R. 26 to be printed in the Appendix to the Journal.

At 6:11 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 29, 2024.

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

SPECIAL CALENDAR

Thursday, February 29, 2024

51st Day

11:00 A.M.

UNFINISHED BUSINESS

H. R. 9 - Reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan

THIRD READING

S. B. 240 - Increasing fees charged by sheriff

S. B. 752 - Authorizing Department of Agriculture to complete certain land transfers

SECOND READING

S. B. 164 - Relating generally to trespassing

Com. Sub. for S. B. 370 - Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals

Com. Sub. for S. B. 451 - Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys

S. B. 529 - Including Salem University in PROMISE Scholarship program

Com. Sub. for S. B. 539 - Creating cold case database

FIRST READING

S. B. 173 - Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers

Com. Sub. for S. B. 292 - Hunger-Free Campus Act

S. B. 574 - Supplemental appropriation to DOT, Division of Highways

S. B. 696 - Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management

- S. B. 700 - Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority
- S. B. 701 - Supplementing and amending appropriations to Department of Education, School Construction Fund
- S. B. 703 - Supplementing and amending appropriations to Department of Homeland Security, WV State Police
- S. B. 707 - Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources
- S. B. 708 - Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund
- S. B. 709 - Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority
- S. B. 710 - Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children
- S. B. 782 - Defining deadlines for local permits and extensions for property development or improvement
- S. B. 802 - Updating consumer credit and protection laws on certain agricultural vehicles and equipment

HOUSE CALENDAR

Thursday, February 29, 2024

51st Day

11:00 A.M.

THIRD READING

- Com. Sub. for S. B. 331 - Eliminating cap on maximum amount of money in county's financial stabilization fund
- Com. Sub. for S. B. 603 - Solid Waste Management Act
- S. B. 712 - Reducing minimum age for State Police cadet
- Com. Sub. for S. B. 754 - Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance
- H. B. 5245 - Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways
- Com. Sub. for H. B. 5331 - Relating to boating safety education certificate

SECOND READING

- Com. Sub. for S. B. 17 - Authorizing Department of Health to promulgate legislative rules
- S. B. 461 - Relating to county economic opportunity development districts
- Com. Sub. for S. B. 714 - Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine
- H. B. 4795 - Relating to permitting an academic medical center to operate an opioid treatment facility.
- H. B. 4878 - Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- H. B. 4881 - Relating to bringing terms not defined in that act into conformity with the meaning of those terms for federal income tax purposes
- H. B. 4957 - Relating generally to lobbying rules
- Com. Sub. for H. B. 5021 - Relating to cardiac response plans
- H. B. 5038 - Relating to research and economic development agreements for state institutions of higher education

- H. B. 5050 - Relating to authorizing legislative rules regarding higher education.
- H. B. 5263 - Relating to the Consolidated Public Retirement Board and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer
- H. B. 5269 - Relating to the Municipal Police Officers and Firefighters Retirement System
- H. B. 5270 - Relating to the Natural Resources Police Officers Retirement System
- Com. Sub. for H. B. 5351 - To amend the definition of commercial solid waste facility
- Com. Sub. for H. B. 5354 - Relating to the Grant Transparency and Accountability Act
- Com. Sub. for H. B. 5606 - Relating generally to money laundering

FIRST READING

- H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia
- H. B. 4777 - Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed
- Com. Sub. for H. B. 4864 - To prohibit municipalities from shutting off water service for the nonpayment of stormwater management fees.
- Com. Sub. for H. B. 4909 - Relating to eliminating the certificate of need program for health services
- H. B. 5022 - Relating to increasing the amount of ephedrine, pseudoephedrine or phenylpropanolamine a person may purchase annually.
- Com. Sub. for H. B. 5067 - To remove the 2 year timeframe for medical malpractice suits to be filed ONLY for individuals who were minors when they had their procedures performed
- Com. Sub. for H. B. 5441 - Relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects.
- Com. Sub. for H. B. 5445 - Revising the statute to reduce the minimum age for a cadet for the West Virginia State Police from the age of 21 to the age of 18.
- Com. Sub. for H. B. 5536 - Relating to the assessment of interest on overpayments by the Bureau for Medical Services
- H. B. 5590 - Changing reference to the “Curator” of the Department of Arts, Culture, and History to the “Secretary” of the Department
- H. B. 5695 - Relating to Community Enhancement Districts

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 29, 2024

HOUSE CONVENES AT 11:00 A.M.

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

**COMMITTEE ON FINANCE
9:00 A.M. – FINANCE COMMITTEE ROOM**

**COMMITTEE ON THE JUDICIARY
9:30 A.M. – JUDICIARY COMMITTEE ROOM**

**COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
3:00 P.M. – JUDICIARY COMMITTEE ROOM**

**COMMITTEE ON ENERGY AND MANUFACTURING
AFTER MORNING FLOOR SESSION
FINANCE COMMITTEE ROOM**

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