West Virginia Legislature

JOURNAL of the

HOUSE of DELEGATES

Eighty-Seventh Legislature First Regular Session

Held at Charleston Published by the Clerk of the House



April 2, 2025 FIFTIETH DAY



Wednesday, April 2, 2025

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, April 1, 2025, 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 McGeehan announced that Com. Sub. for H. B. 3377, on third reading, Special Calendar, had been transferred to the House Calendar; H. B. 3425, on third reading, Special Calendar, had been transferred to the House Calendar; and H. B. 3516, on third reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 482, Certified Professional Midwife Licensing and Regulation,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 500, Transferring audits of volunteer fire departments to Legislative Auditor,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 50, Requiring municipal elections to be held on same day as statewide elections,

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. C. R. 88, Honoring First Responders Honor Board's Medal of Valor Nominees,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. C. R. 88 - "Recognizing and honoring the First Responders Honor Board's nominees of the Medal of Valor,"

With the recommendation that the committee substitute be adopted.

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:

Com. Sub. for S. C. R. 9, Becker Brothers, Eugene and Kermit Becker Memorial Bridge,

And reports the same back, with amendment, with the recommendation that it be adopted, as amended.

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. C. R. 19, Declaring December 14 as Frosty the Snowman Day,
- **H. C. R. 96**, Urging West Virginia's members of Congress to ask the President not to cut funding for the Local Food in Schools and Child Care nutrition,
 - S. C. R. 6, US Army Major Jerome Lee Workman Memorial Bridge,
 - S. C. R. 16, US Army SPC Johnny Long Memorial Bridge,

And,

Com. Sub. for S. C. R. 17, US Marine Corps PVT Arlie Haught Memorial Bridge,

And reports the same back with the recommendation that they each be adopted.

Messages from the Executive and Other Communications



Patrick Morrisey Governor of West Virginia

April 1, 2025

The Honorable Lee Cassis, Clerk West Virginia Senate State Capitol Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. Two Hundred Eighty-Three (283), which was presented to me on March 31, 2025.

Committee Substitute for Senate Bill No. Three Hundred Thirty-Six (336), which was presented to me on March 26, 2025.

Senate Bill No. Four Hundred Ninety-Two (492), which was presented to me on March 26, 2025.

Senate Bill No. Six Hundred Twenty-One (621), which was presented to me on March 26, 2025.

You will note that I have approved these bills on April 1, 2025.

Sincerely

Patrick Morrisey Governor

PM/an

cc: The Honorable Jeff Pack, Clerk

The Senate of West Virginia

Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211 1900 KANAWHA BLVD. EAST CHARLESTON, WV 25305-0800 304-357-7800

April 2, 2025

The Honorable Patrick Morrisey, II Governor, State of West Virginia 1900 Kanawha Boulevard, East Charleston, West Virginia 25305

Dear Governor Morrisey,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

Com. Sub. for S. B. 823, Clarifying and separating duties between Division of Emergency Management and DEP.

This bill is presented to you on this day, April 2, 2025.

Respectfully submitted,

Lee Cassis

Clerk of the Senate

C: The Honorable Jeffrey Pack Clerk of the House of Delegates

PRESENTED TO THE GOVERNOR

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BUILDING 1, ROOM M-212 1900 KANAWHA BLVD... EAST CHARLESTON, WV 25305-047/0 PHONE (304) 340-3200

April 2, 2025

The Honorable Patrick Morrisey Governor, State of West Virginia 1900 Kanawha Boulevard, East Charleston, West Virginia 25305

Dear Governor Morrisey,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

H. B. 2387, To repeal the class A1 Pistol stamp for hunting;

H. B. 2516, To repeal antiquated and inoperative portions of code.;

And,

Com. Sub. for H. B. 3192, To repeal obsolete, conflicting or inoperative provisions of code that pertain to higher education.

These bills are presented to you on this day, April 2, 2025.

Respectfully submitted,

Jeffrey Pack Clerk of the House of Delegates

cc: The Honorable Lee Cassis Clerk of the Senate



Patrick Morrisey Governor of West Virginia

April 1, 2025

VIA HAND DELIVERY

The Honorable Kris Warner Secretary of State State Capitol Complex Building 1, Suite 157-K Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill 369

Dear Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 369 with the following objections:

First, the bill authorizes the Board of Pharmacy to promulgate 15 C.S.R. § 15, related to the licensure and regulation of pharmacies. But this rule contains a technical flaw. Several sections provide for *annual* registration and related *annual* licensing fees, see 15 C.S.R. § 15-3.2, 5.1, 5.2, even though a bill passed by this Legislature and signed last week directed registrations by this board "be renewed biennially." 87th Leg. Sess. S.B. 291 (eff. June 12, 2025), codified in W. Va. Code § 30-5-22(f) (2025) (emphasis added). That means this rule will be out of line with the West Virginia Code almost as soon as it is effective.

Second, the bill authorizes the Board of Respiratory Care to promulgate 30 C.S.R. § 11, related to the practice of telehealth by a licensed respiratory therapist. But the last section of this rule is missing a section name and so is inconsistent with procedural formatting standards for legislative rules, see 153 C.S.R. § 5.9 (requiring that section heads "contain the title number, series number, section number, and name of the section").

Third, the bill authorizes the Election Commission to promulgate 146 C.S.R. § 3, which is a legislative rule regarding the regulation of campaign finance. While campaign finance laws should ensure transparency, they must also be clear enough to enable citizens to participate in our political process. This rule falls short of that mark and instead, its imprecise and unwieldy regulation of political action committees will likely cause confusion for those attempting to have

their voices heard in our political process. That raises concerns under the First Amendment to the United States Constitution. As the Supreme Court of the United States insists, the "whole point of the First Amendment is to afford individual protections" against "laws that restrict free speech." *McCutcheon v. FEC*, 572 U.S. 185, 205 (2014).

While I am disapproving Senate Bill 369, the bill authorizes, repeals, and directs the promulgation of several important and timely legislative rules by various constitutional officers, boards, and commissions. I am therefore asking you to expeditiously work to modify and fix the technical flaws I have identified in 15 C.S.R. § 15 and 30 C.S.R. § 11. I also look forward to working with the sponsor of 146 C.S.R. § 3 and the Legislature in the future to craft campaign finance reforms that better protect citizens' speech and ability to participate in our political process.

As a result of these issues, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 369.

Sincerely,

Patrick Morrisey Governor

PATRICL Moms

cc: The Honorable Roger Hanshaw Speaker of the House of Delegates

The Honorable Randy Smith President of the Senate

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2043, Relating to use of dog and/or drones for tracking or locating mortally wounded deer, elk, turkey, wild boar or bear.

A message from the Senate, by

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

Com. Sub. for S. B. 67 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §17-2-3; and to repeal §7-1-3qq, relating to racing events; authorizing Department of Transportation to permit motor vehicle racing events and impose permit fee; defining terms; imposing permit issuance requirements; making certain laws inapplicable to racing events; and providing for liability and indemnification"; which was referred to the Committee on Energy and Public Works then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 85 - " A BILL to amend and reenact §16-2R-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §16-2R-10, relating to prohibiting mailing of abortifacients; prohibiting placing abortifacients in the stream of commerce; prohibiting prescribing abortifacients; prohibiting dissemination of abortifacients without lawfully valid prescription; defining terms; creating criminal penalties; providing for revocation of medical license in certain circumstances; providing exceptions; and creating severability"; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 158 - "A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to modifying eligibility and qualifications to serve as an appointed member of the State Board of Education; prohibiting certain political and other activities; and permitting certain political activities"; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 553 - "A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to providing that a certified abstract of a judgment for conviction of an offense of driving above the speed limit on a controlled access highway or interstate highway at 10 miles per hour or less above the speed limit may not be recorded by the Division of Motor Vehicles"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 677 - "A Bill to amend and reenact §32-2-202, §32-3-304a, §32-3-305, and §32-4-406 of the Code of West Virginia, 1931, as amended, relating to fee changes in the Uniform Securities Act; adjusting fees to be remitted to the State Auditor; placing submission requirements on certain issuers of securities; and adjusting fund distributions made by the State Auditor"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2025, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 701 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding one new section, designated §11-8-5a, relating to taxation; classifying forestry equipment as Class I property; recognizing forestry as a component of agriculture essential to this state's economy; defining forestry equipment; exempting the sale of forestry equipment from the consumers sales and service tax; and providing for effective dates"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 828 - "A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to sexual offenses against incarcerated, detained, or under supervision persons; and clarifying that any person employed by the Division of Corrections and Rehabilitation pursuant to a contract includes contracted staff that work for vendors"

At the respective requests of Delegate McGeehan, and by unanimous consent, reference of the bill (S. B. 828) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 848 - " A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §31A-2C-1, §31A-2C-2, §31A-2C-3, §31A-2C-4, §31A-2C-5, §31A-2C-6, and §31A-2C-7, relating to enacting banking and financial services provider protections for eligible adults from financial exploitation; providing findings, purpose, and intent; providing definitions; permitting disclosure of eligible persons financial information to certain third parties and designated government agencies; authorizing depository institutions, broker dealers, and investment advisors to delay, refuse, or prevent certain activities and transactions to prevent financial exploitation of an eligible adult; and providing that this article shall not serve as the basis for any private cause of action against depository institutions, broker-dealers, or investment advisors, or their employees, acting in good faith."; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 875 - " A BILL to amend and reenact §11-16-17 of the Code of West Virginia, 1931, as amended, relating to container labeling of nonintoxicating beer and nonintoxicating craft beer; permitting certain brewers, brewpubs, manufacturers, and resident brewers to make privately labeled nonintoxicating beer or nonintoxicating craft beer brands available for purchase; providing for label requirements; providing for pricing and purchasing restrictions; defining terms; and setting effective and sunset dates."; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 911 - " A BILL to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18A-3-2b, relating to allowing an adjunct teaching permit to be issued to an individual meeting certain specified requirements; permitting an individual with an adjunct teaching permit to be hired to fill a vacant teaching position, offer a new program or class, or to supplement a program currently being offered only if no other teacher holding certification in the subject area is available and accepts the position or assignment; allowing adjunct teacher to be employed full- or part-time; allowing the compensation to be any amount both the county board and the adjunct teacher agree to; providing that county board is not required to provide any type of employment benefit unless both the county board and the adjunct teacher agree to those benefits; requiring county board and the adjunct teacher enter into a contract; specifying what is to be included in the contract; allowing adjunct teacher to teach in any content area in which the individual is allowed to teach based on the individual's experience; requiring assignment of a teacher mentor; requiring adjunct teacher to complete certain training and education; prohibiting adjunct teacher from providing special education instruction; requiring each county board that employees an adjunct teacher to report certain information to the West Virginia Department of Education; requiring posting of adjunct teacher position; allowing notification of parents of a vacant adjunct teacher position; and requiring county board to announce any vacant adjunct teacher positions at its meetings."; which was referred to the Committee on Education."

A message from the Senate, by

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

S. B. 939 - "A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §16B-13-4a, relating to testing for substance use disorder; and setting forth testing guidelines for office-based medication-assisted treatment facilities."; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 940 - "A BILL to amend and reenact §22-11-8 of the Code of West Virginia, 1931, as amended, relating to specifying that a political subdivision that administers a water pollution permit

under delegation from the Department of Environmental Protection may not impose standards or requirements more stringent than any federal or state rule, regulation, program, or permitting regime; and providing limited exceptions."; which was referred to the Committee on Energy and Public Works.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Education then Rules as follows:

S. C. R. 23 - "Requesting the Joint Committee on Government and Finance to study the mission of the West Virginia Secondary School Activities Commission; how effective it is in achieving that mission; improving the commission's efficiency; whether the commission is sufficiently transparent; whether the commission has sufficient accountability; and whether a performance evaluation would be appropriate.

Motions

Delegate McGeehan asked and obtained unanimous consent to proceed to the Twelfth Order of business to consider Unfinished Business.

Special Calendar

Third Reading

Com. Sub. for H. B. 2011, To supplement, amend, and increase an existing item of appropriation in the aforesaid accounts for the designated spending unit for expenditure during the fiscal year 2025; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 338**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Anders, Coop-Gonzalez, Dillon, Ridenour and White.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) passed.

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

On this question, the yeas and nays were taken (**Roll No. 339**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Anders, Coop-Gonzalez, Dillon and White.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) takes effect from its passage.

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

Com. Sub. for H. B. 2015, Relating to liability or other insurance coverage provided by the Board of Risk and Insurance Management to any entity for which such coverage is permissive under state code; on third reading, coming up in regular order, was read a third time.

On motion of Delegate Rohrbach, et. al., the amendment was adopted.

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

"ARTICLE 12. STATE INSURANCE.

§29-12-15. Moratorium on providing new or additional insurance coverage for any permissive entity, property, activity, etc.

There is a moratorium on the board's authority under this article to provide new or additional property or liability insurance coverage for certain entities as of the effective date of the enactment of this section during the regular session of the Legislature, 2024. This moratorium prohibits new or additional insurance coverage by the board of those entities to which coverage is permissive, not mandatory, under this article, including, but not limited to, a political subdivision, charitable or public service organization, or an emergency medical services agency, each as defined in §29-12-5(b)(1) of this code. For the purposes of this section, "coverage" includes property or liability insurance to insure the property, activities, and responsibilities of an entity. This moratorium shall remain in effect until July 1, 2025 2026. Provided, That this moratorium shall have no effect upon any contracts or agreements which are currently in effect, or the status of any insurance coverage in place on the effective date of this section, nor does it prohibit the board from extending any contracts or agreements which are currently in effect, or any insurance coverage in place on the effective date of this section: Provided, however, That this moratorium shall not apply to county boards of education, teachers, supervisory and administrative staff members, service personnel, county superintendents of schools, school board members, public charter schools, and any other entity or person required to be insured by the board pursuant to §29-12-5a of this code."

The question being on the passage of the bill, the yeas and nays were taken (Roll No. 340), and there were—yeas 93, nays 7, absent and not voting none, with the nays being as follows:

Nays: Anders, Bridges, Coop-Gonzalez, Dillon, Mazzocchi, Moore and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2015) passed.

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

H. B. 2015 — "A BILL to amend the Code of West Virginia, 1931, as amended, by amending §29-12-15, relating to extending the moratorium on providing new or additional property or liability insurance coverage to certain entities by the Board of Risk and Insurance Management.".

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

Com. Sub. for H. B. 2054, Relating to liability of vendors in private farmers markets; 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. 341), and there were—yeas 58, nays 42, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, J. Cannon, Canterbury, T. Clark, Cooper, Coop-Gonzalez, Criss, Devault, Dillon, Dittman, Drennan, Ferrell, Green, Hall, Heckert, Hillenbrand, Holstein, G. Howell, T. Howell, Jeffries, Jennings, Kelly, Kump, Linville, Martin, Mazzocchi, Miller, Moore, Parsons, Pinson, Pritt, Riley, Steele, Street, Toney, Vance, Ward, White and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2054) passed.

Delegate Martin moved that the bill take effect July 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 342**), and there were—yeas 56, nays 44, absent and not voting none, with the nays being as follows:

Nays: Brooks, Butler, Canterbury, W. Clark, Cooper, Dean, Dillon, Ferrell, Fluharty, Foggin, Funkhouser, Garcia, Gearheart, Green, Hall, Hamilton, Hansen, Heckert, Holstein, Hornbuckle, Hornby, T. Howell, Jennings, Kump, Kyle, Lewis, Linville, Lucas, Masters, Mazzocchi, McGeehan, Miller, Parsons, Pinson, Pushkin, Shamblin, Toney, Vance, Ward, White, Williams, Worrell, Young and Hanshaw (Mr. Speaker).

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

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

Com. Sub. for Com. Sub. for H. B. 2410, Safeguard the Right-To-Try Cutting-Edge Medicine 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. 343), 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: McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2410) passed.

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

Com. Sub. for H. B. 2551, Increase criminal penalties for trespassing livestock; on third reading, coming up in regular order, was read a third time.

Delegate Linville demanded the previous question, which demand was sustained.

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

The yeas and nays having been ordered, they were taken **(Roll No. 344)**, and there were—yeas 68, nays 31, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Anderson, J. Cannon, Chiarelli, Dean, Dillon, Drennan, Eldridge, Fehrenbacher, Ferrell, Fluharty, Garcia, Gearheart, Hamilton, Hansen, Hite, Holstein, Hornbuckle, Hornby, Horst, G. Howell, Lewis, Pinson, Pushkin, Statler, Steele, Vance, Williams, Worrell, Young, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Criss.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 345**), and there were—yeas 70, nays 30, absent and not voting none, with the nays being as follows:

Nays: Anders, Barnhart, D. Cannon, Clay, Dillon, Eldridge, Fehrenbacher, Fluharty, Garcia, Hamilton, Hansen, Hite, Holstein, Hornbuckle, Horst, G. Howell, Lewis, Linville, Masters, McCormick, Phillips, Pushkin, Ridenour, D. Smith, Statler, Steele, Street, Vance, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2551) passed.

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

H. B. 2566, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff; 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 90, nays 2, absent and not voting 8, with the nays being as follows:

Nays: Anders and Gearheart

Absent and not voting: Bridges, Clay, Cooper, Dillon, Fehrenbacher, Hornbuckle, Lucas, and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2566) passed.

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

Com. Sub. for H. B. 2720, To create the Southern Coalfield Resiliency and Revitalization 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. 347), and there were—veas 97. navs 2. absent and not voting 1. with the navs being as follows:

Nays: Coop-Gonzalez and Dillon

Absent and not voting: Fehrenbacher

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2720) passed.

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

Com. Sub. for Com. Sub. for H. B. 2787, To permit the county commission of each county to lease, rent or to permit the use of a county owned wireless tower or any portion thereof, with exceptions; on third reading, coming up in regular order, was read a third time.

On motion of Delegates Linville and Phillips, the amendment was adopted.

Delegates Linville and Phillips moved to amend the bill on page 1, by striking out everything after the enacting clause, and inserting in lieu thereof the following:

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3k. Authority to lease, rent or permit the use of county property.

- (a) The county commission of each county is authorized to lease, rent, or to permit the use of county-owned buildings, lands and other properties or any portion thereof by nonprofit organizations. Authorized uses pursuant to this section shall include the granting of meeting places, service outlets and operational headquarters for organizations established within the county.
- (b) Notwithstanding subsection (a) of this section, the county commission of each county is authorized to lease, rent, or permit the use of county-owned wireless towers or any portions thereof to any entity or entities: *Provided*, That county commissions may permit any of the following entities to use tower space but may not impose a charge for doing so:
- (1) public safety operations, including 911, law enforcement, ambulance, rescue, and firefighting,
 - (2) the West Virginia Department of Highways, and
 - (3) any other state agencies.
- (c) Each county commission is authorized to charge and collect fees for uses of county properties pursuant to this section. In addition, each county commission is empowered to promulgate rules and regulations in order to carry out the provisions of this section within the county.
- (d) The allocation of county properties for use by organizations shall be controlled either by the county commission or, optionally, by a panel which may be appointed by the commission for this purpose. Any panel appointed pursuant to this section shall consist of not less than three nor more that than five members who shall serve at the will and pleasure of the commission. All decisions of a panel, if one is appointed, shall be subject to review by the county commission.

(e) If a panel is appointed pursuant to this section, each member shall be a resident of the county in which the panel sits. A majority of the panel shall constitute a quorum for the transaction of business, and all matters shall be decided by the majority vote of those members present at a meeting. Each panel is authorized to select from among its members one secretary, who shall keep a record of all proceedings, and one chairman. A member may be entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of his or her duties.

The question being on the passage of the bill, the yeas and nays were taken (Roll No. 348), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Anders, Dean, Dillon, Steele and White.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2787) 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. 2866, Relating to fees and charges for municipality provided fire services; 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 89, nays 11, absent and not voting none, with the nays being as follows:

Nays: Fluharty, Garcia, Gearheart, Hall, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2866) passed.

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

Com. Sub. for H. B. 2961, To amend the law concerning ownership and possession of real 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. 350), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Anders.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2961) passed.

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

Com. Sub. for Com. Sub. for H. B. 2973, Regarding venue for legal actions against the West Virginia Secondary School Activities Commission; 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 80, nays 19, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Butler, Canterbury, Cooper, Coop-Gonzalez, Criss, Dillon, Fluharty, Garcia, Hamilton, Hansen, Hite, Hornbuckle, Hornby, Lewis, Linville, Ward, Williams, Willis and Young.

Absent and Not Voting: Chiarelli.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2973) passed.

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

H. B. 2973 – "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to legal actions involving the West Virginia Secondary School Activities Commission; requiring 30 days' notice of claims; establishing procedures for providing 30 days' notice of claims; providing for tolling of claims; providing exceptions for certain claims involving injunctive relief; and clarifying the venue where actions may be brought and prosecuted."

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

Com. Sub. for H. B. 3014, Relating generally to liability of hospital police; 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 94, nays 6, absent and not voting none, with the nays being as follows:

Nays: Anders, Dillon, T. Howell, Linville, Pushkin and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3014) passed.

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

Com. Sub. for H. B. 3145, Relating to duties of licensees under the 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. 353), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: Lewis, Pushkin and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3145) passed.

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

H. B. 3189, Creating crime of attempting to smuggle contraband into federal correctional institutions within 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. 354), 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. 3189) passed.

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

Com. Sub. for H. B. 3350, Supplemental Appropriation - DCR - Corrections – 0608; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 355**), 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: Hite.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3350) passed.

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

On this question, the yeas and nays were taken **(Roll No. 356)**, 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: Hite.

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. 3350) takes effect from its passage.

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

H. B. 3361, Supplemental Appropriation - Health, Birth to Three; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 357**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3361) passed.

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

On this question, the yeas and nays were taken (**Roll No. 358**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3361) takes effect from its passage.

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

H. B. 3412, Relating to exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own 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. 359), and there were—yeas 58, nays 42, absent and not voting none, with the nays being as follows:

Nays: Adkins, Akers, Anders, Barnhart, Bridges, Brooks, Butler, D. Cannon, T. Clark, Coop-Gonzalez, Dean, Dillon, Flanigan, Fluharty, Garcia, Hamilton, Hansen, Holstein, Hornbuckle, Horst, T. Howell, Kimble, Kump, Lewis, Linville, Lucas, Martin, Masters, McGeehan, Moore, Petitto, Pinson, Pushkin, B. Smith, D. Smith, Steele, Street, Vance, White, Williams, Willis and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3412) passed.

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

H. B. 3446, Permitting public high school students submit FAFSA prior to graduation; 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 75, nays 24, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Anders, Burkhammer, Clay, Coop-Gonzalez, Criss, Crouse, Dean, Dillon, Green, Horst, G. Howell, T. Howell, Kimble, Martin, Masters, Mazzocchi, Ridenour, Riley, D. Smith, Steele, Street, Vance, Ward and White.

Absent and Not Voting: Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3446) passed.

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

H. B. 3446 — "A BILL to amend and reenact §18-5G-3; of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section, designated §18-2-46, relating to requiring public high schools to provide information and support to each student to fill out a Free Application for Federal Student Aid (FAFSA) to promote access to post-secondary education; setting forth support to be provided; allowing the state board to adopt rules; and protecting personal or identifiable data."

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

H. B. 3513, Relating to standards of liability and insurance requirements in certain civil actions; 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 67, nays 33, absent and not voting none, with the nays being as follows:

Nays: Adkins, Bridges, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Eldridge, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, T. Howell, Jeffries, Jennings, Lewis, Linville, Mazzocchi, Moore, Parsons, Pinson, Pritt, Pushkin, Roop, Steele, Street, Toney, Vance, Ward, White, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3513) passed.

Delegate McGeehan moved that the bill take effect August 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 362**), and there were—yeas 71, nays 28, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Bridges, Brooks, Burkhammer, Dillon, Eldridge, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, T. Howell, Jeffries, Jennings, Mazzocchi, Moore, Parsons, Pinson, Pritt, Pushkin, Roop, Steele, Street, Toney, Vance, Ward, White, Williams and Young.

Absent and Not Voting: Lewis.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3513) takes effect August 1, 2025.

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

H. B. 3514, Relating to persons convicted of a crime; 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. 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: Lewis, Mallow and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3514) passed.

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

H. B. 3515, Relating to appointment of officers of the West Virginia State Police; 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: Lewis, Mallow and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3515) passed.

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

H. B. 3517, Relating generally to fiscal emergencies of local governments; 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. 365), 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: Lewis, Mallow and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3517) passed.

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

At 2:07 p.m., on motion of Delegate McGeehan, the House of Delegates recessed until 6:30 p.m.

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Evening Session

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

Second Reading

Com. Sub. for S. B. 459, Requiring county planning commission members be state residents; on second reading, coming up in regular order, was read a second time and ordered to third reading,

And,

Com. Sub. for S. B. 538, Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction; on second reading, coming up in regular order, was read a second time and ordered to third reading,

First Reading

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

Com. Sub. for S. B. 267, Extending time for renewal and restoration of commercial driver's licenses,

Com. Sub. for S. B. 325, Authorizing Department of Health to promulgate legislative rules,

Com. Sub. for S. B. 573, Relating to restrictions on use or sale of motor vehicles based on power source,

Com. Sub. for S. B. 627, Removing prohibition against leasing state-owned pore spaces underlying lands designated as state parks,

Com. Sub. for H. B. 2026, Budget Bill,

And,

H. B. 3519, Expiring funds to the unappropriated surplus balance of the State Fund, General Revenue.

Committee Reports

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

Your Committee on Finance has had under consideration:

S. B. 712, Relating to retirement provisions of systems managed by CPRB,

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

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. 615, Eliminating accelerated tax payment requirements,

Com. Sub. for S. B. 715, Relating to personally identifiable information of member, retirant, beneficiary, or alternate payee of retirement system,

And,

S. B. 716, Relating to failure to pay required contributions and interest payments for certain retirees who transfer between retirement systems,

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

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- Vote explanation by Delegate Drennan regarding Roll Nos. 294 and 295.

Delegate Drennan noted to the Clerk, that she was absent when the vote was taken on Com. Sub for H. B. 3373 and H. B. 3389, and had she been present she would have voted "Yea" thereon.

- Vote explanation by Delegate Moore regarding H. C. R. 51.

Delegate Moore noted to the Clerk, that she was absent when the vote was taken on H. C. R. 51, and had she been present, she would have voted "Yea" thereon.

At 5:11 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, April 03, 2025.

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

SPECIAL CALENDAR

Thursday, April 3, 2025

51st Day

11:00 A.M.

UNFINISHED BUSINESS

US Army Major Jerome Lee Workman Memorial Bridge

S. C. R. 6 -

O. O. IV. 0	307 trilly Major berome Lee Workman Memorial Bridge			
Com. Sub. for S. C. R. 9 -	Becker Brothers, Eugene and Kermit Becker Memorial Bridge			
S. C. R. 16 -	US Army SPC Johnny Long Memorial Bridge			
Com. Sub. for S. C. R. 17 -	US Marine Corps PVT Arlie Haught Memorial Bridge			
H. C. R. 19 -	Declaring December 14 as Frosty the Snowman Day			
Com. Sub. for H. C. R. 88 -	Honoring First Responders Honor Board's Medal of Valor Nominees			
H. C. R. 96 -	Urging West Virginia's members of Congress to ask the President not to cut funding for the Local Food in Schools and Child Care nutrition			
THIRD READING				
Com. Sub. for S. B. 459 -	Requiring county planning commission members be state residents			
Com. Sub. for S. B. 538 -	Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction			
SECOND READING				
Com. Sub. for S. B. 267 -	Extending time for renewal and restoration of commercial driver's licenses			
Com. Sub. for S. B. 325 -	Authorizing Department of Health to promulgate legislative rules			
Com. Sub. for S. B. 573 -	Relating to restrictions on use or sale of motor vehicles based on power source			
Com. Sub. for S. B. 627 -	Removing prohibition against leasing state-owned pore spaces underlying lands designated as state parks			
S. B. 828 -	Clarifying requirements for persons employed by Division of			

Corrections and Rehabilitation include contracted vendor staff

Com. Sub. for H. B. 2026 - Budget Bill

H. B. 3519 - Expiring funds to the unappropriated surplus balance of the State

Fund, General Revenue

FIRST READING

Com. Sub. for S. B. 50 -	Requiring municipal elections to be held on same day as statewide elections
Com. Sub. for S. B. 482 -	Certified Professional Midwife Licensing and Regulation
Com. Sub. for S. B. 500 -	Transferring audits of volunteer fire departments to Legislative Auditor
S. B. 615 -	Eliminating accelerated tax payment requirements
S. B. 712 -	Relating to retirement provisions of systems managed by CPRB
Com. Sub. for S. B. 715 -	Relating to personally identifiable information of member, retirant, beneficiary, or alternate payee of retirement system
S. B. 716 -	Relating to failure to pay required contributions and interest payments for certain retirees who transfer between retirement systems

HOUSE CALENDAR

Thursday, April 3, 2025

51st Day

11:00 A.M.

THIRD READING

Applying penalties for nonpayment of royalties under terms of oil and natural gas leases				
Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State				
Clarifying procedure for administrative dissolution of nonprofit corporations by Secretary of State				
Creating tax exemption for agricultural cooperative associations				
Non-State Owned Roads Improvement Act				
Clarifying that any person employed by the Division of Corrections and Rehabilitation pursuant to a contract includes contracted staff that work for vendors				
Relating to limit of liability through Board of Risk Management				
SECOND READING				
Exempting certain meat processes from consumers sales and service tax				
Defining Men and Women				
Exempting the processing of beef, pork or lamb by a slaughterhouse for an individual owner of the product processed from the Consumer Sales and Service Tax				
Permitting middle or high school students to participate in travel sports teams without repercussion.				
Prohibiting the delivery of unsolicited absentee ballot applications to any person who has not specifically requested one from the county clerk				
Updating cooperative agreements				
To prohibit rank choice voting				

Com. Sub. for H. B. 3072 - Creating Super two highways in West Virginia

H. B. 3271 - Authorizing digital court records

Com. Sub. for H. B. 3387 - Relating to the creation of a regional school district pilot program

Com. Sub. for H. B. 3432 - Revising the statutes to clarify and separate duties identified in the

code between the Division of Emergency Management and the

West Virginia Department of Environmental Protection

FIRST READING

Com. Sub. for H. B. 3452 - Transferring administration of Advanced Career Education (ACE)

classes and programs from county boards of education to

community and technical colleges.

H. B. 3518 - Relating to the Medicaid Waiver expansion program

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, APRIL 3, 2025

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON RULES
10:45 A.M. – SPEAKERS CONFERENCE ROOM 218M

COMMITTEE ON JUDICIARY
9:00 A.M. – JUDICIARY COMMITTEE ROOM 410M

COMMITTEE ON FINANCE
9:00 A.M. – FINANCE COMMITTEE ROOM 460M

COMMITTEE ON GOVERNMENT ORGANIZATION 1:00 P.M. – EAST WING COMMITTEE ROOM 215E

COMMITTEE ON EDUCATION
1:00 P.M. – EDUCATION COMMITTEE ROOM 432M

COMMITTEE ON ENERGY AND PUBLIC WORKS 3:00 P.M. – JUDICIARY COMMITTEE ROOM 410M

COMMITTEE ON HEALTH AND HUMAN RESOURCES 3:30 P.M. – EAST WING COMMITTEE ROOM 215E

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