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April 11, 2025
FIFTY-NINTH DAY

Friday, April 11, 2025

FIFTY-NINTH 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 Thursday, April 10, 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 S. B. 483, on third reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for Com. Sub. S. B. 154, Com. Sub. for S. B. 299, and Com. Sub. for Com. Sub. for S. B. 474 had been moved to the foot of Third Reading.

Motions

Delegate McGeehan asked and obtained unanimous consent to proceed to the Twelfth Order of business to consider bills on Third Reading.

Special Calendar

Third Reading

Com. Sub. for S. B. 35, Permitting campus police officers to participate in Deputy Sheriffs 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. 498**), 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: Green, Linville and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 35) passed.

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

S. B. 75, Changing distribution of income from excess lottery fund; on third reading, coming up in regular order, was read a third time.

Delegate Funkhouser requested to be excused from voting on S. B. 75 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

Delegate Vance moved to postpone action on the bill (S. B. 75) indefinitely.

Delegate McGeehan moved that the motion be tabled.

So, a majority of the members present having voted in the affirmative, the motion to postpone action indefinitely was laid upon the table.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 499**), and there were—yeas 69, nays 28, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Amos, Anders, Brooks, Burkhammer, Butler, Canterbury, T. Clark, Clay, Dillon, Ellington, Ferrell, Gearheart, Hall, Heckert, Holstein, T. Howell, Jeffries, Jennings, Leavitt, Linville, Mallow, Martin, Pinson, Steele, Street, Toney, Vance and Worrell.

Absent and Not Voting: Green, Pritt and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 75) passed.

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

Com. Sub. for S. B. 102, Modifying form of certain deeds; 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. 500**), 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: W. Clark, Green, Pritt and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 102) passed.

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

“A BILL to amend and reenact §39-1-2 of the Code of West Virginia, 1931, as amended, relating to modifying the form of deeds; and requiring that any quitclaim deed without consideration or any deed effecting the transfer of real property where the value of the property transferred is \$100 or less for which no excise tax is paid is signed by the grantee or proved by two witnesses as to the grantee before a clerk of the county commission, with certain exceptions for transfers on death and between family members.”

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 S. B. 158, Modifying eligibility requirements for serving as member of State Board of Education; on third reading, coming up in regular order, was read a third time.

Delegate Vance moved to postpone action on the bill (Com. Sub. for S. B. 158) indefinitely.

Delegate McGeehan moved that the motion be tabled.

So, a majority of the members present having voted in the affirmative, the motion to postpone action indefinitely was laid upon the table.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 501**), 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: Burkhammer, W. Clark, Fluharty and Lucas.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 158) passed.

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

Com. Sub. for S. B. 196, Lauren's Law; 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. 502**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 196) passed.

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

S. B. 196 — “A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, §60A-4-416, §61-11-8, and §62-12-2 of the Code of West Virginia, 1931, as amended, and to amend the code by adding thereto a new section, designated §60A-4-419, relating to controlled substances violations; clarifying certain requirements for the enhanced sentencing of crimes involving fentanyl; increasing sentences for certain controlled substances offenses; modifying the weight of certain controlled substances for purposes of sentencing; making certain offenses ineligible for suspension or probation, or alternative sentencing; clarifying the offense of drug delivery resulting in death; creating a separate offense for drug delivery in exchange for money or any other thing of value resulting in death; modifying the penalties for failure to render aid in certain circumstances; creating definitions related to the offense of failure to render aid; creating a new offense for conspiracy involving a drug kingpin; creating a definition of drug kingpin; clarifying certain procedures for prosecution of a drug kingpin; clarifying the penalty where a detectable amount of controlled substances is found in certain circumstances for purposes of weight; setting forth a method for measurement where more than one controlled substance is in a mixture; modifying sentences for certain offenses; updating list of offenses related to controlled substance

that are qualifying offenses for recidivist sentencing enhancements; declaring certain offenses to be ineligible for probation; and creating criminal penalties.”

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

S. B. 280, Displaying official US motto in 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. 503**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Hornbuckle and Young.

Absent and Not Voting: Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 280) passed.

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

S. B. 280 “A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18-9H-1; and to amend the code by adding a new article, designated §18B-14-12, relating to requiring public elementary and secondary schools and state institutions of higher education to display in a conspicuous location within a common area of the main building or similar location in another building a durable poster or framed copy of the United States motto, “In God We Trust”; imposing requirements for the durable poster or framed copy; making the requirements subject to donation; and applying requirement to public charter schools.”

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 S. B. 427, Permitting certain teenagers to work without obtaining work 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. 504**), and there were—yeas 91, nays 9, absent and not voting none, with the nays being as follows:

Nays: Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Pritt, Pushkin, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 427) 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 S. B. 488, Clarifying definition of electioneering; 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. 505**), and there were—yeas 33, nays 65, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Akers, Anderson, Barnhart, Campbell, W. Clark, Cooper, Criss, Fehrenbacher, Funkhouser, Gearheart, Heckert, Hillenbrand, Hott, Kelly, Kump, Mallow, Marple, Maynor, McCormick, McGeehan, Miller, Moore, Phillips, Riley, Rohrbach, Roop, Shamblin, Sheedy, D. Smith, Stephens, Toney, Willis and Hanshaw (Mr. Speaker).

Absent and Not Voting: Street and Zatezalo.

So, a majority of the members present not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 488) rejected.

Com. Sub. for S. B. 503, Allowing sheriffs to appoint more than one chief deputy with consent of county 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. 506**), 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: D. Smith and Young.

Absent and Not Voting: Green and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 503) 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 S. B. 526, Creating Pharmacist Prescribing Authority Act; on third reading, coming up in regular order, was read a third time.

Delegate Vance moved to postpone action on the bill (Com. Sub. for S. B. 526) indefinitely.

Delegate McGeehan moved that the motion be tabled.

So, a majority of the members present having voted in the affirmative, the motion to postpone action indefinitely was laid upon the table.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 507**), and there were—yeas 72, nays 25, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Browning, J. Cannon, Canterbury, Chiarelli, Clay, Dittman, Drennan, Ellington, Flanigan, Fluharty, Garcia, Hamilton, Heckert, Hite, Hornbuckle, Jennings, Kump, Kyle, Lewis, Pritt, Rohrbach, Shamblin, Williams, Willis and Young.

Absent and Not Voting: Amos, Anderson and Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 526) passed.

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

S.B. 526 — “A BILL to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended, relating to updating a pharmacist’s scope of practice; authorizing pharmacists to prescribe certain drugs in accordance with Food and Drug Administration labeling; limiting the conditions for which a pharmacist may test; requiring the pharmacist notify the patient’s primary care physician; and limiting a prescription to a 30-day supply within a six-month timeframe.

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 S. B. 531, Relating to offenses of assault and battery on athletic officials; 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. 508**), 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: Amos, Anderson and Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 531) passed.

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

S. B. 531 – “A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to crimes against athletic officials; clarifying that victims include participants; establishing minimum jail penalties; establishing minimum fines; creating definitions; authorizing a person convicted of the offenses to be banned from certain sports events; requiring written notice to the person banned; establishing that a violation of the ban is a form of trespass; clarifying that the offense does not apply to athletic officials or participants; clarifying that the section does not create certain immunities for other offenses; and creating criminal penalties.”

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

S. B. 561, Relating to Uniform Special Deposits 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. 509**), 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: Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 561) passed.

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

At 12:25 p.m., on motion of Delegate McGeehan, the House of Delegates recessed until 1:00 p.m.

Third Reading

Com. Sub. for S. B. 576, Authorizing fixed odds racing in horse and dog racing; on third reading, coming up in regular order, was read a third time.

Delegate Vance moved to postpone action on the bill (Com. Sub. for S. B. 576) indefinitely.

Delegate McGeehan moved that the motion be tabled.

So, a majority of the members present having voted in the affirmative, the motion to postpone action indefinitely was laid upon the table.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 510**), and there were—yeas 55, nays 43, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Amos, Barnhart, Brooks, Burkhammer, Butler, D. Cannon, Canterbury, T. Clark, Clay, Coop-Gonzalez, Devault, Dillon, Dittman, Ellington, Gearheart, Heckert, Hillenbrand, Holstein, Hott, T. Howell, Jeffries, Jennings, Kelly, Kimble, Kump, Leavitt, Linville, Lucas, Mallow, Martin, Mazzocchi, Moore, Parsons, Pinson, Pritt, Steele, Street, Toney, Vance, Ward, White, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Green and Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 576) 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 S. B. 581, Relating to school attendance and student participation in 4-H activities; 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. 511**), 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: Burkhammer, Green, McGeehan and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 581) passed.

The Committee on Education moved to amend the title of the bill to read as follows:

A BILL to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of an excused absence; including up to five college visits in the

definition of excused absence; including a student in any West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA sanctioned activity or program in the definition of excused absence; providing that the student be credited as present in the same manner as a student participating in an educational field trip; providing that the student not be counted as absent; addressing makeup of missed schoolwork and the student's class grades; addressing student sanctioned program participation during any period of time the student has been suspended, expelled, or assigned to an alternative school or program; providing that an agent of a sanctioned organization shall provide documentation as proof of a student's participation in an activity or program sanctioned in subsection (l) at least five days prior to the activity or program; providing that the total amount of excused absences may not exceed more than 10 per school year; and providing that nothing in this section shall interfere with the Every Student Succeeds Act (ESSA).

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 S. B. 586, Relating to requirements for filling vacancies in certain elected federal, state, and county offices; on third reading, coming up in regular order, with the right to amend, was reported by the clerk.

On motion of Delegate Gearheart, the amendment was adopted.

Delegate Gearheart moved to amend the amendment on page 4, section 3-10-5, line 3, immediately following the first occurrence of the word "the" by striking the words "party executive committee" and inserting in lieu thereof the following:

"party senatorial district executive committee or party delegate district executive committee, as applicable,"

On motion of Delegate Holstein, the amendment was adopted.

Delegate Holstein moved to amend the Committee Amendment on page 5, section 5, line 31, immediately following the word "represent" by inserting the following new sentence:

Notwithstanding any provision of this code to the contrary, the process to compose and submit the list, which is required to be submitted by the political party under which the person holding the office immediately preceding the vacancy was elected, shall be governed by the rules of the state executive committee of that political party.

On motion of Delegate Rohrbach, the amendment was adopted.

Delegate Rohrbach moved to amend the Committee Amendment on page 10, immediately following line 20, by inserting the following new section:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.

§8-5-10. VACANCIES IN ELECTIVE OFFICES; HOW FILLED.

Unless otherwise provided by charter provision or ordinance, when a vacancy shall occur from any cause in any municipal elective office, the vacancy, until the next succeeding regular municipal election and until the qualification of an elected successor, shall be filled by appointment by the governing body from among the residents of the municipality eligible under this article, with a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election: *Provided*, That any such person appointed must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy.

The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

Be it enacted by the Legislature of West Virginia:

“CHAPTER 3. ELECTIONS.

ARTICLE 10. FILLING VACANCIES.

§3-10-3. Vacancies in offices of state officials, justices, judges, and magistrates.

(a) Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or in any office created or made elective to be filled by the voters of the entire state, is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, if required by §3-10-1 of this code. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election: *Provided*, That any such person appointed by the Governor must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy: *Provided, however*, That the Governor may appoint a temporary acting official in the event of a vacancy in the offices of Secretary of State, Auditor, Treasurer, Attorney General, or Commissioner of Agriculture to carry out the duties of said office until such vacancy is filled by appointment pursuant to this subsection: *Provided further*, That the provisions of this subsection do not apply to §3-10-3(b), §3-10-3(c), §3-10-3(d), and §3-10-3(e) of this code.

(b) Any vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, or judge of a family court is filled by the Governor of the state by appointment and, if the unexpired term be for a period of more than three years, by a subsequent election to fill the remainder of the term, as required by §3-10-3(d)

of this code. If an election is required under §3-10-3(d) of this code, the Governor, circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation by order and notice required by §3-10-1 of this code. The amendments to this subsection enacted during the regular session of the Legislature in the year 2022 shall be applicable to any vacancy existing at the date of passage of such amendments.

(c) Any vacancy in the office of magistrate is appointed according to the provisions of §50-1-6 of this code, and, if the unexpired term be for a period of more than two years, by a subsequent nonpartisan judicial election held concurrently with the primary or general election, whichever occurs first, to fill the remainder of the term, ~~as required by §3-10-3(d) of this code.~~

(d)(1) When the vacancy in the office of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of the circuit court, or judge of a family court, ~~or magistrate~~ occurs after the 84th day before a general election, and the affected term of office ends on December 31 following the succeeding general election two years later, the person appointed to fill the vacancy shall continue in office until the completion of the term.

(2) When the vacancy occurs before the close of the candidate filing period for the primary election, and if the unexpired term be for a period of greater than three years, the vacancy shall be filled by election in the nonpartisan judicial election held concurrently with the primary election and the appointment shall continue until a successor is elected and certified.

(3) When the vacancy occurs after the close of candidate filing for the primary election and not later than 84 days before the general election, and if the unexpired term be for a period of greater than three years, the vacancy shall be filled by election in a nonpartisan judicial election held concurrently with the general election, and the appointment shall continue until a successor is elected and certified: Provided, That the provisions of this subsection (d) do not apply to a vacancy in the office of magistrate.

(e) When an election to fill a vacancy is required to be held at the general election, according to the provisions of §3-10-3(d) of this code, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, judge of the family court, or magistrate shall file a certificate of announcement and pay the filing fee no earlier than the first Monday in August and no later than 77 days before the general election.

§3-10-4. Vacancies in representation in United States Congress.

(a) (1) If there is a vacancy in the representation from this state in the House of Representatives in the Congress of the United States, the Governor shall, within five days after the fact comes to his or her knowledge, issue a proclamation setting dates for a special general election that is not less than 84 nor more than 120 days from the date of the vacancy and requiring nomination of candidates as provided in §3-10-4(a)(2) of this code: *Provided*, That no such proclamation may be made nor may a special election be held if the vacancy occurs after the 84th day prior to the regularly scheduled general election for a new full term of the office. The election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

(2) The party executive committees for the congressional district for which there is a vacancy shall each, within 30 days of the Governor's proclamation, nominate a candidate to stand at the general election required by §3-10-4(a)(1) of this code.

(b) If there is a vacancy in the representation from this state in the Senate of the United States Congress, the vacancy shall be filled by the Governor of the state by appointment. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office: *Provided*, That any such person appointed by the Governor must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy.

Furthermore,

(1) If the vacancy occurs on or before the primary cutoff date, then an election shall be held pursuant to §3-10-1 of this code; or

(2) If the vacancy occurs after the primary cutoff date, but on or before the general cutoff date, then the Governor shall issue a proclamation providing for: (A) A special filing period; (B) a special primary election to be held in conjunction with the upcoming general election; and (C) a special general election to be held not less than 84 nor more than 120 days following the date of the special primary election. Each election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

§3-10-5. Vacancies in state Legislature.

(a) Any vacancy in the office of state senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office: *Provided*, That any such person appointed by the Governor must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy.

(b) In the case of a member of the House of Delegates, if the member was elected to a multi-county delegate district, the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. If the member was elected to a delegate district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.

(c) In the case of a state senator, if the member was elected to a multi-county senatorial district, the list shall be submitted by the party executive committee of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment. If the member was elected to a senatorial district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the state Senate is for the unexpired term, unless §3-10-1 of this code requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in said section.

(d) No person may be appointed to fill a vacancy in the office of state senator or as a member of the House of Delegates who has not for one year preceding the appointment been a resident within the district he or she will represent. §3-10-6. Vacancy in office of circuit court clerk.

(a) When a vacancy occurs in the office of clerk of the circuit court, the circuit court by a majority vote of the judges shall fill the same within thirty days of the vacancy, for the period required by §3-10-1 of this code, by appointment of a person of the same political party as the officeholder vacating the office for the period required by section one of this article with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office: *Provided*, That any such person appointed by the circuit court must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy.

(b) Notwithstanding any code provision to the contrary, the chief judge may appoint a temporary successor to the office of clerk of the circuit court until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(c) If an election is necessary, the circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation, by order and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

§3-10-7. Vacancies in offices of county commissioner or councilor and clerk of county commission or council.

(a) Any vacancy in the office of county commissioner or councilor, or clerk of county commission or council shall be filled by appointment by the county commission or council. The appointee for the office of county commissioner or councilor must reside in a magisterial district in which no other member of the county commission or council resides. The appointee for either clerk of the county commission or council, or the office of county commissioner or councilor, must be a person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office: *Provided*, That at the time of appointment, the appointee must have been a member of that political party for at least one year prior to the occurrence of the vacancy.

(b) If a quorum of the county commission or council fails to make an appointment within 30 days, the county executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office, shall submit a list of three legally qualified persons to fill the vacancy for a county having three elected commissioners, or shall submit a list of five legally qualified persons to fill the vacancy for a county having five elected commissioners or councilors. Within 15 days from the date on which the list is received, the county commission or council shall appoint a candidate from the list to fill the vacancy.

(1) In a county having three elected county commissioners, if the county commission or council fails to make the appointment within the specified time, then the county commissioner or councilor with the longest tenure shall eliminate one name from the submitted list, followed by the county commissioner or councilor with the second-longest tenure then eliminating one name from the submitted list. The name remaining after those two names have been eliminated shall be deemed to be appointed by the county commission to fill the vacancy.

(2) In a county having five elected county commissioners or councilors, if the county commission or council fails to make the appointment within the specified time, then the county commissioners or councilors shall strike one name from the list, in turn, in the following order of precedence:

(A)(i) First, all county commissioners or councilors affiliated with the same political party from which the vacating commissioner, councilor, or clerk was elected shall strike a name from the list before those not affiliated with the vacating commissioner, councilor, or clerk's party;

(ii) Second, of the county commissioners or councilors affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected, the commissioner or councilor with the longest tenure shall strike before those with lesser tenure; and

(iii) Third, if there be county commissioners or councilors with equal tenure affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected, a drawing by lot shall be conducted within the timeframe required to fill the vacancy to determine which of them shall eliminate one name from the submitted list before the other commissioner or councilor with equal tenure.

(B) After the county commissioners or councilors affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected make their strikes, the remaining county commissioners or councilors shall follow the same procedure in the same order of precedence provided herein. The name remaining after four names have been eliminated shall be deemed to be appointed by the county commission or council.

(c) If the number of vacancies in a county commission or council deprives that body of a quorum, the Governor shall make an appointment to fill any vacancy in the county commission or council necessary to create a quorum, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office. The Governor shall make any appointments necessary, beginning with the vacancy first created, to create a quorum in accordance with the same procedures applicable to county commissions and councils under §3-10-7(a) of this code. Once a quorum of the county commission or council is reestablished by gubernatorial appointment, the authority to fill the remaining vacancies shall be filled in the manner prescribed in §3-10-7(a) of this code.

(d) An appointment made pursuant to this section is for the period of time provided in §3-10-1 of this code.

(e) Notwithstanding any code provision to the contrary, a county commission or council may appoint a temporary successor to the office of clerk of the county commission or council until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(f) If an election is necessary under §3-10-1 of this code, the county commission or council, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by §3-10-1 of this code.

(g) §3-10-1 of this code shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission or council of the county, shall be placed upon the ballot to be voted at the next general election.

(h) If the election for an unexpired term is held at the same time as the election for a full term for county commissioner or councilor, the full term shall be counted first and the unexpired term shall be counted second. If the candidate with the highest number of votes for the unexpired term resides in the same magisterial district as the candidate with the highest number of votes for the full term, the candidate for the full term shall be seated. The candidate with the next highest number of votes for the unexpired term residing in a different magisterial district shall be seated for the unexpired term.

§3-10-8. Vacancies in offices of prosecuting attorney, sheriff, assessor, and surveyor.

(a) Any vacancy occurring in the office of prosecuting attorney, sheriff, assessor, or county surveyor shall be filled by the county commission within 30 days of the vacancy by appointment of a person of the same political party ~~as the officeholder vacating the office~~ with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for the office. The appointee must have been a member of that political party for at least one year prior to the occurrence of the vacancy. The appointed person shall hold the office for the period stated by section one of this article.

(b) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of prosecuting attorney, sheriff, assessor or county surveyor until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(c) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in

nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-6. VACANCY IN OFFICE OF MAGISTRATE.

(a) Subject to the provisions of ~~section one, article ten, chapter three~~ §3-10-1 of this code, when a vacancy occurs in the office of magistrate, or upon the formal announcement by letter to the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, of an upcoming resignation or retirement that will result in the occurrence of a vacancy in the office of magistrate, including resignation of a magistrate-elect following the election of such magistrate-elect but prior to the magistrate-elect taking office in the term for which he or she has most recently been elected, such judge or chief judge shall fill the same by appointment.

(b) At a nonpartisan judicial election in which a magistrate is elected for an unexpired term, the circuit judge, or the chief judge thereof if there is more than one judge of the circuit court, shall cause a notice of such election to be published prior to such election as a Class II-0 legal advertisement in compliance with the provisions of ~~article three, chapter fifty-nine~~ §59-3-1 et seq. of this code, and the publication area for such publication shall be the county involved.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 512**), 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: Green and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 586) passed.

On motion of Delegate Akers, the title amendment was adopted.

Delegates Akers, Gearheart, and Rohrbach moved to amend the title of the bill to read as follows:

“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; to amend and reenact §8-5-10 of said Code; and to amend and reenact §50-1-6 of said Code; relating to requirements for filling vacancies in certain elected federal, state, county, and municipal offices; prohibiting the appointment of an individual to fill a vacant office if that person has not been a member of his or her registered political party for at least one year prior to the occurrence of the vacancy; providing that process to select candidates to fill state Senate and House of Delegates seats be governed by the party senatorial district executive committee or party delegate district executive committee, as applicable, for the respective political party; authorizing the Governor to appoint an acting official to perform the duties of a constitutional officer until the office is filled by appointment; relating to filling vacancies in the office of magistrate; providing that vacancies in the office of magistrate with an unexpired term of more than two years are filled by subsequent nonpartisan judicial election held

concurrently with the primary or general election, whichever occurs first; excluding vacancies in the office of magistrate from certain other provisions relating to process for filling vacancies; authorizing prospective vacancy due to upcoming resignation or retirement of a magistrate to be filled by circuit judge or chief circuit judge; and requiring generally that partisan office appointments be made from the political party with which the individual vacating the office was affiliated at the time of the previous election for that office.

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 S. B. 587, Relating generally to government contracting; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Riley, the amendment was adopted.

Delegate Riley moved to amend the committee substitute for the committee substitute for Senate Bill 587 on page 8, section 2, line 21, after the words "period of" by striking the number "60" and inserting in lieu thereof the number "90";

On page 8, section 2, line 22, after the word "The" by striking the number "60" and inserting in lieu thereof the number "90";

On page 8, section 2, line 23, after the word "The" by striking the word "60-day" and inserting in lieu thereof the word "90-day";

On page 10, section 1, line 6, after the words "authorized for" by striking the remainder of the sentence and inserting in lieu thereof the words "a construction project of less than \$20 million in estimated total cost.";

On page 15, section 6, line 7, after the word "Published" by striking the words "in the newspaper of general circulation in the geographic area of the proposed project" and inserting in lieu thereof the words "as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code for";

And,

On page 16, section 8, line 25, after the word "published" by striking the words "in the newspaper of general circulation in the geographic area of the proposed project," and inserting in lieu thereof the words "as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code".

The Committee on Government Organization moved to amend the committee substitute for the committee substitute for Senate Bill 587 on page 3, section 1, line 42, after the word "include" by inserting the words "a design-build project as set forth in §5-22A-1 et seq. of this code or";

On page 10, section 1, line 4, after the words "et seq." by inserting the words "and §5-22A-1 et seq.";

On page 13, section 4, line 5, after the word "with" by striking the words "subdivision (1)" and the comma immediately following those words;

And,

On page 17, section 9, line 13, after the word “letter” by striking the remainder of subdivision (9) and inserting in lieu thereof the words “demonstrating the bond capacity of the construction manager; and”.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 513**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Gearheart.

Absent and Not Voting: Dillon, Flanigan, Green, Lucas, McGeehan, Pritt and Stephens.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 587) passed.

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

Comm. Sub. for Comm. Sub. for S. B. 587 — “A BILL to amend and reenact §5-22-1, §5-22-2, and §5-22-4 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new article, designated §5-22B-1, §5-22B-2, §5-22B-3, §5-22B-4, §5-22B-5, §5-22B-6, §5-22B-7, §5-22B-8, §5-22B-9, §5-22B-10, §5-22B-11, §5-22B-12, §5-22B-13, §5-22B-14, §5-22B-15, §5-22B-16, §5-22B-17, §5-22B-18, and §5-22B-19, relating to government contracting; increasing the minimum competitive bid threshold from \$25,000 to \$50,000; providing for a bid validity period; clarifying factors for considering when bids exceed budgeted amount; enacting the Government Construction Management At-Risk Contracts Act; providing a short title; defining terms; authorizing the state and/or its subdivisions to engage in construction management at-risk contracts for projects with a total estimated cost of \$20 million or greater; requiring the state and/or its subdivisions adopt policies and procedures for use in construction management at-risk contract; requiring the state and/or its subdivisions using construction management at-risk delivery method provide notice; requiring the state and/or its subdivisions issue request for qualifications; requiring the state and/or its subdivisions issue requests for proposals; establishing a standardized format for a proposal; establishing the criteria a request for proposal must contain; providing standards and criteria for the evaluation of proposals; providing for prequalification of firms; requiring a proposal evaluation committee; establishing suggested membership of a proposal evaluation committee; providing evaluation criteria and weight for aspects of proposals; setting forth process to determine best value; authorizing the state and/or its subdivisions to amend contracts after acceptance; providing exceptions for special maintenance projects; making documents public in some instances; providing for rulemaking; required reporting; setting forth a sunset date; and making technical and conforming amendments.”.

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 S. B. 652, Expanding cardiac arrest provisions to be applicable to elementary 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. 514**), 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: Dillon, Green, Lucas, McGeehan, Pritt and Stephens.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 652) passed.

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

Com. Sub. for S. B. 677, Increasing fees charged by Commissioner of Securities for each offering; 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. 515**), and there were—yeas 51, nays 45, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Anders, Barnhart, Bridges, Brooks, Burkhammer, Butler, D. Cannon, J. Cannon, Chiarelli, W. Clark, Coop-Gonzalez, Dean, Dillon, Ellington, Fluharty, Foggin, Gearheart, Hamilton, Hansen, Hite, Holstein, Hornbuckle, Hornby, Horst, G. Howell, T. Howell, Jeffries, Kimble, Kump, Kyle, Leavitt, Lewis, Linville, Marple, Martin, Masters, Parsons, Pinson, Pushkin, Ridenour, Steele, Street, Ward, Williams and Young.

Absent and Not Voting: Amos, Green, McGeehan and Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 677) passed.

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

Com. Sub. for S. B. 710, Relating to the practice of teledentistry; 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. 516**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Miller and Phillips.

Absent and Not Voting: Green, Hite, Lucas, McGeehan and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 710) passed.

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

S. B. 747, Relating to 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. 517**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Foggin, Heckert and Lewis.

Absent and Not Voting: Green, Hite, Lucas and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 747) passed.

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

Com. Sub. for S. B. 790, Requiring quarterly reporting by certain water and wastewater utilities; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Gearheart, and by unanimous consent, the bill was postponed one day.

Com. Sub. for S. B. 794, Authorizing DOH to erect warning signs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 518**), and there were—yeas 83, nays 13, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Akers, Clay, Dillon, Garcia, Hornby, Kyle, Linville, Pritt, D. Smith, Street, Williams, Willis and Young.

Absent and Not Voting: Green, Hite, Lucas and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 794) passed.

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

Com. Sub. for S. B. 800, Relating to insurance holding company systems; 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. 519**), 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: Green, Hite, Lucas and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 800) passed.

Delegate Gearheart moved that the bill take effect July 1, 2026.

On this question, the yeas and nays were taken (**Roll No. 520**), 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: G. Howell.

Absent and Not Voting: Green, Lucas and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 800) takes effect July 1, 2026.

Delegate McGeehan moved that the bill take effect January 1, 2026.

On this question, the yeas and nays were taken (**Roll No. 526**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: G. Howell.

Absent and Not Voting: Green.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 800) takes effect January 1, 2026.

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

Com. Sub. for S. B. 825, Permitting higher education institutions enter agreements with non-profit organizations for economic development and job creation; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegate Criss, the amendment was adopted.

Delegate Criss moves to amend the committee amendment to the bill on page one, by striking out the article heading

“ARTICLE 12. RESEARCH AND DEVELOPMENT AND ECONOMIC DEVELOPMENT AGREEMENTS FOR STATE INSTITUTIONS OF HIGHER EDUCATION.”,

and inserting in lieu thereof a new article heading as follows:

“ARTICLE 12. RESEARCH AND DEVELOPMENT, ECONOMIC DEVELOPMENT, AND ATHLETICS AGREEMENTS FOR STATE INSTITUTIONS OF HIGHER EDUCATION.”;

And,

On page two, section two, following line fifteen, by inserting a new subsection (c) to read as follows:

“(c) The Legislature further finds and determines that in order to foster and enhance the operational success and competitive nature of intercollegiate athletics in the current environment, the state institutions of higher education will benefit from utilization of private corporations to conduct operational, economic, fiscal, and educational development activities and services related to intercollegiate athletics’ programs.”

The Committee on Finance moves to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 12. RESEARCH AND DEVELOPMENT AND ECONOMIC DEVELOPMENT AGREEMENTS FOR STATE INSTITUTIONS OF HIGHER EDUCATION.

§18B-12-1. Definitions.

The following words used in this article shall, unless the context clearly indicates a different meaning, be construed as follows:

(1) "Agreement" means any agreement being entered into between a governing board and a corporation pursuant to ~~section four~~ §18B-12-4 or §18B-12-11 of this ~~article~~ code.

(2) "Corporation" means a nonstock, not-for-profit corporation established under the general corporation laws of the state which meets the description presented by ~~section three~~ §18B-12-3 or §18B-12-11 of this ~~article~~ code.

(3) "Corporate directors" means the board of directors of a corporation.

§18B-12-2. Legislative findings and purpose.

(a) The Legislature finds and determines that the future economic development in the state will depend in part upon research developed at the state institutions of higher education, and enhanced research opportunities for state institutions of higher education will promote the general economic welfare of the citizens of the state. In order to enhance the competitive position of state institutions of higher education in the current environment for research and development, expenditures for equipment and material for research projects must be handled in an expeditious fashion, and the acquisition and utilization of research grants can be simplified and expedited through the utilization of private corporations.

(b) The interest of the citizens of the state will be best met by agreements entered into and carried out by the governing boards and corporations to provide research assistance for state institutions of higher education. Therefore, in order to facilitate research and development grants, economic development, and opportunities for state institutions of higher education, it is appropriate to authorize the governing boards to contract with private corporations organized for the purpose of providing such services to state institutions of higher education or established exclusively for purposes of economic development and job creation.

§18B-12-11. Agreements with corporations solely for economic development.

(a) Notwithstanding any other provision of this article to the contrary, any state institution of higher education may enter into an agreement with a nonstock, not-for-profit corporation which qualifies as an exempt organization under section 501(c) of the Internal Revenue Code of 1986, as amended, established under corporation laws of the state exclusively for purposes of economic development and job creation.

(b) Each governing board for a state institution of higher education may enter into agreements and any other contractual relationships with one or more corporations described in subsection (a) of this section under such terms as are mutually agreed upon to foster future economic development in the state. For purposes of this section:

(1) The president and the president's appointees from the institution may, but are not required to, serve as the corporation's voting corporate directors;

(2) The meetings of the corporate directors are exempt from the provisions of §6-9A-3 of this code;

(3) The assets of the corporation are not subject to the provisions of §18B-12-3 of this code;

(4) The corporation and agreements between the corporation and the state institution of higher education are not subject to the provisions of §18B-12-4 of this code; and

(5) The corporation may be designated as the economic development entity for the state institution of higher education.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 521**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Butler, Coop-Gonzalez, Dillon, Foggin, T. Howell, Kimble, Steele, Street and Ward.

Absent and Not Voting: Green and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 825) passed.

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

Com. Sub. for S. B. 825 — “A BILL to amend and reenact §18B-12-1 and §18B-12-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18B-12-11, relating to permitting higher education institutions to enter into agreements with certain nonprofit organizations; defining terms; clarifying legislative findings and purpose to facilitate economic development and foster and enhance the operational success and competitive nature of intercollegiate athletics; permitting agreements for purposes of economic development and job creation; and establishing powers to govern the business relationship of any state higher education institution and nonprofit corporation contracting for such economic development purposes.”.

The bill was then read a third time by the Clerk, as amended.

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 S. B. 833, Excluding pharmaceutical medication from prior authorization gold card process; 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. 523**), 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: Green and McGeehan.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 833) passed.

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

On this question, the yeas and nays were taken (**Roll No. 528**), 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: Green.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 833) takes effect from its passage.

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

S. B. 837, Eliminating WV Office of Equal Opportunity; on third reading, coming up in regular order, was read a third time.

Delegate Vance moved to postpone action on the bill (S. B. 837) indefinitely.

Delegate McGeehan moved that the motion be tabled.

So, a majority of the members present having voted in the affirmative, the motion to postpone action indefinitely was laid upon the table.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 524**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 837) passed.

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

S. B. 837 — “AN ACT to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to continuing the position of State Equal Opportunity Coordinator; establishing qualifications for the position; setting forth how the State Equal Opportunity Coordinator is selected; outlining scope of responsibilities; and making other technical changes.”

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

S. B. 866, Requiring WV Board of Education to promulgate legislative rule in consultation with WV Board of Physical Therapy; 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. 525**), 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: Green and Masters.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 866) passed.

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

“A BILL to amend the Code of West Virginia, 1931, as amended, by amending §18-5-22a of said code, by adding the requirement that the West Virginia Secondary Schools Activities Commission require in its rule regarding concussions and head injuries that member schools develop a Concussion Education Prevention and Response Plan.

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 S. B. 883, Providing director of WV Office of Miners’ Health, Safety and Training discretion and authority in certain appointments; 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. 527**), 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: Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 883) passed.

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

Com. Sub. for S. B. 911, Relating to adjunct teaching permits; 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. 529**), 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: Green and Hornbuckle.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 911) passed.

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

“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;

requiring the West Virginia Board of Education, in consultation with the West Virginia Council for Community and Technical College Education, to promulgate a legislative rule and setting forth a minimum requirements therefore.”;

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 S. B. 912, Relating to student growth assessment 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. 530**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Anders, Dean, Dillon, Kimble, Lewis, Steele and Vance.

Absent and Not Voting: Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 912) passed.

The Committee on Education moved to amend the title of the bill to read as follows:

A BILL to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating generally to the statewide student growth assessment program; requiring the program to be composed of benchmark assessments to be given in the first 30 days of the school year, mid-year, and a summative assessment at the end of the school year to determine student progression in reading and mathematics in grades three through eight; and removing obsolete language.

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 S. B. 914, Relating to testing and attendance requirements for private, parochial, and church 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. 531**), and there were—yeas 84, nays 15, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: T. Clark, W. Clark, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Horst, Kimble, Lewis, Mazzocchi, Pushkin, Vance, Williams and Young.

Absent and Not Voting: Green.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 914) passed.

The Committee on Education moved to amend the title of the bill to read as follows:

A BILL to amend and reenact §18-28-2 and §18-28-3 of the Code of West Virginia, 1931, as amended, relating to certain nonpublic schools; replacing the minimum 180-day instructional term and average of five hours of instruction per day requirements with a minimum instructional term

requirement of 900 hours per school year; adding requirement that upon request, the school composite results be made available to the parents or legal guardians of a prospective enrollee in the school; preserving the requirement that upon request of the West Virginia Department of Education, the school's composite results be furnished to the State Superintendent of Schools; and removing ramifications of a school's composite test results falling below the 40th percentile.

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

On this question, the yeas and nays were taken (**Roll No. 532**), 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: T. Clark, Ferrell, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Kimble, Lewis, Pushkin, Vance, Williams and Young.

Absent and Not Voting: Green.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 914) 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.

S. B. 940, Relating to Water Pollution Control 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. 533**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Clay, Flanigan, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Pritt, Pushkin, B. Smith, Vance and Williams.

Absent and Not Voting: Amos, Green and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 940) passed.

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

Eng. Senate Bill 940 - "A BILL to amend and reenact §22-11-8 of the Code of West Virginia, 1931, as amended, relating to the regulation by counties, municipalities, and political subdivisions under the Water Pollution Control Act; providing that ordinances relating to the subject matter under the Water Pollution Control Act may not be more stringent than those set forth by state or federal law; providing that regulations by counties, municipalities, and political subdivisions within the subject matter of the Water Pollution Control Act, specifically those governing commercial horticulture, are invalid and unenforceable; and providing limitations of causes of action against commercial horticulture operations brought by counties, municipalities, and political subdivisions within the subject matter of the Water Pollution Control Act."

S. B. 941, Clarifying authority regarding dams designed by US Conservation Service; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 534**), 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: Amos, Green and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 941) passed.

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

Senate Bill 941 – “A BILL to amend and reenact §19-21A-8 of the Code of West Virginia, 1931, as amended, relating to clarifying certain authority regarding dams owned or sponsored by local conservation districts; providing that any alteration, improvement, or agreement related to a dam owned or sponsored by a local conservation district is subject solely to the authority of the Department of Environmental Protection; and providing that the provisions of this subsection may not be construed to affect or alter any state or federal funding to the West Virginia Conservation Agency.”

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

On this question, the yeas and nays were taken (**Roll No. 535**), 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: Amos, Green, Hornby and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 941) takes effect from its passage.

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

S. B. 942, Modifying requirements for diesel-powered equipment in mines; 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. 536**), 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: Amos, Green and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 942) passed.

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

“A Bill to amend and reenact §22A-2A-101 of the Code of West Virginia, 1931, as amended; relating to modifying the requirements for the use and movement of diesel-powered equipment used in mines.”

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

On this question, the yeas and nays were taken (**Roll No. 537**), 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: Green and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 942) 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.

At 4:14 p.m., on motion of Delegate McGeehan, the House of Delegates recessed until 5:00 p.m.

H. B. 3349, Supplemental Appropriation – Medicaid; 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. 538**), 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: Cooper, Hornby, Linville and Lucas.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3349) passed.

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

On this question, the yeas and nays were taken (**Roll No. 539**), 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: Cooper and Lucas.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3349) takes effect from its passage.

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

H. B. 3352, Supplemental Appropriation - Human Services – Medicaid; 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. 540**), 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: Lucas.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3352) passed.

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

On this question, the yeas and nays were taken (**Roll No. 541**), 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: Lucas.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3352) takes effect from its passage.

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

H. B. 3359, Supplemental Appropriation - EDA and Medicaid Net Zero; 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. 542**), 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: Lucas.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3359) passed.

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

On this question, the yeas and nays were taken (**Roll No. 543**), 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: Lucas.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3359) takes effect from its passage.

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

H. B. 3371, Supplemental Appropriation - HLFC to OIG Net Zero; 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. 544**), 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: Lucas.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3371) passed.

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

On this question, the yeas and nays were taken (**Roll No. 545**), 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: Lucas.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3371) takes effect from its passage.

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

H. B. 3520, Expiring funds to the surplus balance in the State Fund, General Revenue, Office of Energy; 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. 546**), 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: Lucas.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3520) passed.

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

On this question, the yeas and nays were taken (**Roll No. 547**), 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: Lucas.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3520) takes effect from its passage.

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

H. B. 3521, Expiring funds to the surplus balance in the State Fund, General Revenue, Consumer Protection Recovery Fund; 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. 548**), 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: Anders, Coop-Gonzalez, Dillon, Horst, Steele and Ward.

Absent and Not Voting: Lucas.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3521) passed.

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

On this question, the yeas and nays were taken (**Roll No. 549**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Anders, Dillon and Steele.

Absent and Not Voting: Lucas.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3521) 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.

S. B. 154, Prohibiting sexual orientation instruction in public schools; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Young, the amendment was rejected.

Delegate Young moves to amend SB154 H EDU AM #1 following the enacting clause by striking out the remainder of the bill and inserting in lieu thereof, the following:

“ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-29. Prohibiting instruction related to sexual orientation and gender identity and providing false information regarding student's gender; requiring certain student requests to be reported to parent.

(a) For the purposes of this section:

(1) "Custodian" means a person who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the notices and information contemplated by this section;

(2) "Gender identity" means a category of social identity and refers to an individual's identification as male, female, or occasionally, some category other than male or female; (3) "Guardian" means a person other than a parent or custodian who, pursuant to a court order, acts in loco parentis for the child;

(4) "Parent" means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the child; and

(5) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual.

(b) A public school may not provide instruction related to sexual orientation or gender identity: *Provided*, That the provisions of this subsection do not prohibit:

(1) A teacher responding to student questions during class regarding sexual orientation or gender identity as it relates to any topic of instruction;

(2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure when such information provides necessary context in relation to any topic of instruction;

(3) Referring to sexual orientation and gender identity if necessary to address a disciplinary matter, such as an instance of bullying; or

(4) Referring to sexual orientation and gender identity as part of curriculum established in a dual enrollment or advanced placement course.

(c) A public school and the county board employees assigned to the school may not knowingly give false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity.

(d) A parent, custodian, or guardian who is impacted, or whose child is impacted, by a violation of this section may file a complaint pursuant to West Virginia Board of Education Policy.

(e) The Attorney General may bring an action to enforce compliance with this section.

(f) If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable."

The Committee on Education moved to amend the bill on page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-29. Prohibiting instruction related to sexual orientation and gender identity and providing false information regarding student's gender identity or intention to transition; requiring certain student requests to be reported to parent.

(a) For the purposes of this section:

(1) "Biological sex" means the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth;

(2) "Custodian" means a person who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the notices and information contemplated by this section;

(3) "Gender identity" means a category of social identity and refers to an individual's identification as male, female, or occasionally, some category other than male or female;

(4) "Guardian" means a person other than a parent or custodian who, pursuant to a court order, acts in loco parentis for the child;

(5) "Parent" means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the child;

(6) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual; and

(7) "Transition to a gender" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person's biological sex and may involve social, legal, or physical changes.

(b) A public school may not provide instruction related to sexual orientation or gender identity: *Provided*, That the provisions of this subsection do not prohibit:

(1) A teacher responding to student questions during class regarding sexual orientation or gender identity as it relates to any topic of instruction;

(2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure when such information provides necessary context in relation to any topic of instruction;

(3) Referring to sexual orientation and gender identity if necessary to address a disciplinary matter, such as an instance of bullying; or

(4) Referring to sexual orientation and gender identity as part of curriculum established in a dual enrollment or advanced placement course.

(c) A public school and the county board employees assigned to the school may not knowingly give false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the student's biological sex.

(d) If a student enrolled in a public school requests from a person employed by the public school an accommodation that is intended to affirm a change in the student's gender identity that is different from a student's biological sex, including a request that the student be addressed using a name or pronoun that is different than the name or pronoun assigned to the student in the public school's registration forms or records for the purpose of affirming a change in the student's gender identity that is different than the student's biological sex, the public school employee shall report the student's request to an administrator employed by the county board and assigned to the school, and the administrator shall report the student's request to the student's parent, custodian, or guardian.

(e) A parent, custodian, or guardian who is impacted, or whose child is impacted, by a violation of this section may file a complaint pursuant to West Virginia Board of Education Policy 7211 (§126-188-1).

(f) School personnel found in violation of this section may be subject to discipline or dismissal pursuant to §18A-2-8 of this code.

(g) The West Virginia Board of Education, in consultation with the Higher Education Policy Commission, shall promulgate rules pursuant to §29A-3B-1 *et seq.* of this code to implement this section.

(h) The Attorney General may bring an action to enforce compliance with this section.

(i) If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

The bill was then read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 551**), and there were—yeas 82, nays 17, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Adkins, Akers, T. Clark, Dittman, Fehrenbacher, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Lewis, Miller, Pushkin, Statler, Stephens, Williams, and Young.

Absent and Not Voting: Lucas.

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 S. B. 299, Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day.

Com. Sub. for Com. Sub. for S. B. 474, Ending diversity, equity, and inclusion programs; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day.

Second Reading

Com. Sub. for S. B. 128, Preventing courts from ordering services at higher rate than Medicaid; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 748, Creating Safer Communities Act; on second reading, coming up in regular order, was read a second time and ordered to third reading with general right to amend,

And,

S. B. 856, Removing certain reporting requirements to Joint Committee on Government and Finance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Messages from the Senate

A message from the Senate, by

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

H. B. 2120, Relating to forms and disclosures to the Ethics Commission.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Government Organization moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 6B. PUBLIC OFFICERS AND EMPLOYEES; ETHICS; CONFLICTS OF INTEREST; FINANCIAL DISCLOSURE.

ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

§6B-2-1. West Virginia Ethics Commission created; members; appointment, term of office and oath; compensation and reimbursement for expenses; meetings and quorum.

(a) The West Virginia Ethics Commission is continued. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate.

(b) ~~No~~ A person may not be appointed to the commission or continue to serve as a member of the commission who:

(1) Holds elected or appointed office under the government of the United States, the State of West Virginia, or any of its political subdivisions;

(2) Is a candidate for any political office;

(3) Is otherwise subject to the provisions of this chapter other than by reason of his or her appointment to or service on the commission; or

(4) Holds any political party office or participates in a campaign relating to a referendum or other ballot issue. ~~Provided, That~~ A member may contribute financially to a political campaign, but shall recuse himself or herself from any commission decision involving any candidate or campaign to which he or she contributed.

(c) ~~Commencing July 1, 2014, The Ethics Commission shall consist~~ consists of the following nine members, appointed with staggered terms:

(1) One member who served as a member of the West Virginia Legislature;

(2) One member who served as an elected or appointed county official;

(3) One member who served as an elected or appointed municipal official;

(4) One member who served as an elected county school board member;

(5) One member from a rural area; and

(6) Four citizen members.

(d) Any Commission member in office on June 30, 2014, who meets one of the categories for membership set out in subsection (c) of this section, may be reappointed. ~~No~~ Not more than five members of the Commission ~~shall~~ may be of the same political party and ~~no~~ not more than two members ~~shall~~ may be from the same state senatorial district.

~~(e) After the initial staggered terms, The term of office for a Commission member is five years. No member shall~~ A member may not serve more than two consecutive full or partial terms. ~~No A~~ person may not be reappointed to the commission until at least two years have elapsed after the completion of the second consecutive term. A member may continue to serve until a successor has been appointed and qualified.

(f) All appointments shall be made by the Governor in a timely manner so as not to create a vacancy for longer than 60 days.

(g) Each member ~~must~~ shall be a resident of this state during the appointment term.

(h) Five members of the commission constitutes a quorum.

(i) Each member of the commission shall take and subscribe to the oath or affirmation required pursuant to section five, article IV of the Constitution of West Virginia.

(j) A member may be removed by the Governor for substantial neglect of duty, gross misconduct in office, or a violation of this chapter, after written notice and opportunity for reply.

(k) The commission, as appointed on July 1, 2014, shall meet before August 1, 2014, at a time and place to be determined by the Governor, who shall designate a member to preside at that meeting until a chairperson is elected. At the first meeting, the commission shall elect a chairperson and any other officers as are necessary. The commission shall within 90 days after the first meeting adopt rules for its procedures. The commission may use the rules in place on July 1, 2014, until those rules are amended or revoked.

(l) Members of the commission shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. ~~Provided, That~~ To be eligible for compensation and expense reimbursement, the member ~~must~~ shall participate in a meeting or adjudicatory session ~~Provided, however, That the member is not eligible for expense reimbursement if he or she does not attend a meeting or adjudicatory session in person.~~

(m) The commission shall appoint an executive director to assist the commission in carrying out its functions in accordance with commission rules and with applicable law. The executive director shall be paid a salary fixed by the commission or as otherwise provided by law. The commission shall appoint and discharge counsel and employees and shall fix the compensation of employees and prescribe their duties. Counsel to the commission shall advise the commission on all legal matters and on the instruction of the commission may commence appropriate civil actions. ~~Provided, That no counsel shall~~ Any commission counsel may not both advise the commission and act in a representative capacity in any proceeding.

(n) The commission may delegate authority to the chairperson or the executive director to act in the name of the commission between meetings of the commission, except that the commission ~~shall may~~ not delegate the power to hold hearings and determine violations to the chairperson or the executive director.

(o) The principal office of the commission shall be in the seat of government, but it or its designated subcommittees may meet and exercise its power at any other place in the state. Meetings of the commission shall be public unless:

(1) They are required to be private by the provisions of this chapter relating to confidentiality;
or

(2) They involve discussions of commission personnel, planned or ongoing litigation, and planned or ongoing investigations.

(p) Meetings of the commission shall be upon the call of the chairperson and may be conducted by telephonic or other electronic conferencing means. ~~Provided, That~~

(1) When the commission is acting as a hearing board under this article, or when the Probable Cause Review Board meets to receive an oral response as authorized by this article, members may not participate or vote by telephonic means. ~~Provided, however, That~~ Participation and voting may be permitted if the member attends and participates via video conferencing that allows the witness and the member to observe and communicate with one another.

(2) Members shall be given notice of meetings held by telephone or other electronic conferencing in the same manner as meetings at which the members are required to attend in person. Telephone or other electronic conferences shall be electronically recorded and the recordings shall be retained by the commission in accordance with its record retention policy.

§6B-2-2. General powers and duties.

(a) The commission may ~~propose rules for promulgation~~ promulgate rules in accordance with the provisions of §29A-1-1 *et seq.* of this code to carry out the purposes of this chapter. ~~Provided, That~~ Any disclosure form, statement, or report required under any provision of this chapter shall be ~~made in a manner prescribed by legislative rule of the commission~~ prescribed by procedural rule and made available on the commission's website.

(b) The commission may initiate or receive complaints and make investigations, as provided in §6B-2-4 of this code, and upon complaint by an individual of an alleged violation of this chapter by a public official or public employee, refer the complaint to the review board as provided in §6B-2-2a of this code. Any person charged with a violation of this chapter is entitled to the administrative hearing process contained in §6B-2-4 of this code.

(c) The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of books, papers, records, or other evidence needed for the performance of the commission's duties or exercise of its powers, including its duties and powers of investigation.

(d) The commission shall, in addition to its other duties:

(1) Prescribe forms for reports, statements, notices, and other documents required by law;

(2) Prepare and publish manuals and guides explaining the duties of individuals covered by this law; and giving instructions and public information materials to facilitate compliance with, and enforcement of, this act; and

(3) Provide assistance to agencies, officials, and employees in administering the provisions of this act.

(e) The commission may:

- (1) Prepare reports and studies to advance the purpose of the law;
- (2) Contract for any services which cannot satisfactorily be performed by its employees;
- (3) Require the Attorney General to provide legal advice without charge to the commission;
- (4) Employ additional legal counsel;

(5) Request appropriate agencies of the state to provide any professional assistance the commission may require in the discharge of its duties. ~~Provided, That~~ The commission shall reimburse any agency, other than the Attorney General, the cost of providing assistance; and

(6) Share otherwise confidential documents, materials, or information with appropriate agencies of state government, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or information.

§6B-2-12. Online reporting system.

(a) On or before December 31, 2025, the commission shall develop and make available for public use an electronic lobbyist registration and reporting system that:

- (1) Allows a person to register as a lobbyist;
- (2) Allows a lobbyist to electronically file any report required to be filed under this chapter;
- (3) Permits a lobbyist to create a password-protected account through which the lobbyist can save user information to be automatically populated into reports that are filed through the electronic system; and
- (4) Includes a search function by which members of the public can search for information about lobbyists, including all information lobbyists are required to report under §6B-3-1 et seq. of this code.

(b) The commission may contract for the development of the system.

(c) The commission shall ensure that the electronic lobbyist registration and reporting system is properly maintained and that any period of downtime or inaccessibility is promptly remediated.

ARTICLE 3. LOBBYISTS.

§6B-3-1. Definitions.

As used in this article, unless the context clearly indicates otherwise:

- (1) "Compensation" means money or any other thing of value received or to be received by a lobbyist from an employer for services rendered;
- (2) "Employer" or "lobbyist's employer" means any person who employs or retains a lobbyist;
- (3) "Expenditure" means payment, distribution, loan, advance deposit, reimbursement, or gift of money, real or personal property, or any other thing of value; or a contract, promise, or agreement, whether or not legally enforceable;

(4) "Government officer or employee" means a member of the Legislature, a legislative employee, the Governor, and other members of the board of Public Works, heads of executive departments, and any other public officer or public employee under the legislative or executive branch of state government who is empowered or authorized to make policy and perform nonministerial functions. In the case of elected offices included herein, the term "government officer or employee" includes candidates who have been elected but who have not yet assumed office;

(5) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the Legislature and includes any other matters that may be the subject of action by either house or any committee of the Legislature and all bills or resolutions that, having passed both houses, are pending approval or veto by the Governor;

(6) "Lobbying" or "lobbying activity" means the act of communicating with a government officer or employee to promote, advocate, ~~or~~ oppose, or otherwise attempt to influence:

(i)(A) The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or

(ii)(B) The adoption or rejection of any rule, regulation, legislative rule, standard, rate, fee, or other delegated legislative or ~~quasilegislative~~ quasi-legislative action to be taken or withheld by any executive department;

(7) "Lobbying firm" means any business entity, including an individual contract lobbyist, which meets either of the following criteria:

(A) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of lobbying on behalf of any other person, and any partner, owner, officer, or employee of the business entity;

(B) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any elected state official, agency official, or legislative official for the purpose of lobbying on behalf of any other person;

(8)(A) "Lobbyist" means any individual employed by a lobbying firm or who is otherwise employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of promoting, advocating, opposing, or otherwise attempting to influence:

(i) The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or

(ii) The adoption or rejection of any rule, legislative rule, standard, rate, fee, or other delegated legislative or ~~quasilegislative~~ quasi-legislative action to be taken or withheld by any executive department.

(B) The term "lobbyist" does not include the following persons, who are exempt from the registration and reporting requirements set forth in this article, unless they engage in activities which would otherwise subject them to the registration and reporting requirements:

(i) Persons who limit their lobbying activities to appearing before public sessions of committees of the Legislature, or public hearings of state agencies, ~~are exempt~~;

(ii) Persons who limit their lobbying activities to attending receptions, dinners, parties or other group functions and make no expenditure in connection with such lobbying ~~are exempt~~;

(iii) Persons who engage in news or feature reporting activities and editorial comment as working members of the press, radio, or television and persons who publish or disseminate such news, features, or editorial comment through a newspaper, book, regularly published periodical, radio station, or television station ~~are exempt~~;

(iv) Persons who lobby without compensation or other consideration, other than reimbursement for reasonable travel expenses, for acting as lobbyists, who are not employed by a lobbying firm or lobbyist employer, and whose total expenditures in connection with lobbying activities do not exceed \$150 during any calendar year, ~~are exempt~~. The exemptions contained in this subparagraph and in subparagraph (ii) are intended to permit and encourage citizens of this state to exercise their Constitutional rights to assemble in a peaceable manner, consult for the common good, instruct their representatives, and apply for a redress of grievances. Accordingly, such persons may lobby without incurring any registration or reporting obligation under this article. Any person exempt under this subparagraph or subparagraph (ii) may at his or her option register and report under this article;

(v) Persons who lobby on behalf of a nonprofit organization with regard to legislation, without compensation, and who restrict their lobbying activities to ~~no~~ not more than 20 days or parts thereof during any regular session of the Legislature, ~~are exempt~~. The Commission may promulgate a legislative rule to require registration and reporting by persons who would otherwise be exempt under this subparagraph, if it determines that such rule is necessary to prevent frustration of the purposes of this article. Any person exempt under this subparagraph may, at his or her option, register and report under this article;

(vi) The Governor, members of the Governor's staff, members of the board of Public Works, officers and employees of the executive branch who communicate with a member of the Legislature on the request of that member, or who communicate with the Legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or which are made in the proper performance of their official duties, ~~are exempt~~;

(vii) Members of the Legislature ~~are exempt~~;

(viii) Persons employed by the Legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties ~~are exempt~~;

(ix) Persons rendering professional services in drafting proposed legislation or in advising or rendering opinions to clients as to the construction and effect of proposed or pending legislation ~~are exempt~~; and

(9) "Person" means any individual, partnership, trust, estate, business trust, association, or corporation; any department, commission, board, publicly supported college or university, division, institution, bureau, or any other instrumentality of the state; or any county, municipal corporation, school district, or any other political subdivision of the state.

§6B-3-2. Registration of lobbyists.

(a) Before engaging in any lobbying activity, ~~or within 30 days after being employed as a lobbyist, whichever occurs first,~~ a lobbyist shall register with the Ethics Commission by filing a lobbyist registration statement. The registration statement shall ~~contain information and be in a form prescribed by the Ethics Commission by legislative rule, including, but not limited to include~~ the following information:

(1) The registrant's name, business address, telephone numbers and any temporary residential and business addresses and telephone numbers used or to be used by the registrant while lobbying during a legislative session;

(2) The name, address and occupation or business of the registrant's employer;

(3) A statement as to whether the registrant is employed or retained by his or her employer solely as a lobbyist or is a regular employee performing services for the employer which include, but are not limited to, lobbying;

(4) A statement as to whether the registrant is employed or retained by his or her employer under any agreement, arrangement or understanding according to which the registrant's compensation, or any portion of the registrant's compensation, is or will be contingent upon the success of his or her lobbying activity;

(5) The general subject or subjects, if known, on which the registrant will lobby or employ some other person to lobby in a manner which requires registration under this article; and

(6) An appended written authorization from each of the lobbyist's employers confirming the lobbyist's employment and the subjects on which the employer is to be represented.

(b) Any lobbyist who receives or is to receive compensation from more than one person for services as a lobbyist shall file a separate notice of representation with respect to each person compensating him or her for services performed as a lobbyist. When a lobbyist whose fee for lobbying with respect to the same subject is to be paid or contributed by more than one person, then the lobbyist may file a single statement, in which he or she shall detail the name, business address and occupation of each person paying or contributing to the fee.

(c) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of the change, modification, or termination, furnish full information regarding the change, modification, or termination by filing with the commission an amended registration statement.

(d) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered year and failure to do so terminates his or her authorization to lobby. Until the registration is renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt under ~~paragraph (B), subdivision (7), section one of this article~~ §6B-3-1(8)(B) of this code.

(e) The following public officers or employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyists:

(1) Members of the Legislature;

(2) Members of the Executive Department as referenced in article VII, section one of the Constitution of West Virginia;

(3) Will and pleasure professional employees of the Legislature under the direct supervision of a member of the Legislature;

(4) Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy;

(5) Members of the Supreme Court of Appeals;

(6) Any department secretary of an executive branch department created by the provisions of §5F-1-2 *et seq.* of this code; and

(7) Heads of any state departments or agencies.

(f) The commission shall accept the registration and forms required by this section in electronic or paper format, as desired by the individual submitting the registration or form. The commission shall accept signatures on all forms required by this section in electronic or hand-written ink format, as desired by the individual signing the form. A lobbyist is not required to retain an original, printed form if he or she has a completed electronic form, a photocopy of the original, or completed the requirements of this section through the online registration and reporting system under §6B-2-12 of this code.

§6B-3-4. Reporting by lobbyists.

(a) A registered lobbyist shall file with the commission reports of his or her lobbying activities, signed by the lobbyist. The reports shall be filed ~~three times a~~ four times per year as follows:

(1) On or before ~~May~~ March 15, a lobbyist shall report all lobbying activities in which he or she engaged from January 1 through ~~April 30~~ February 28 or, in the case of leap year, February 29;

(2) On or before May 15, a lobbyist shall report all lobbying activities in which he or she engaged from March 1 through April 30;

~~(2)(3)~~ On or before September 15, a lobbyist shall report all lobbying activities in which he or she engaged from May 1 through August 31; and

~~(3)(4)~~ On or before January 15, a lobbyist shall report all lobbying activities in which he or she engaged from September 1 through December 31.

(b) If the date on which a lobbyist expenditure report is due falls on a Saturday, Sunday, or legal holiday, the report will be considered timely filed if it is postmarked not later than the next business day. If a registered lobbyist files a late report, the lobbyist shall pay the commission a fee of \$10 for each late day, not to exceed a total of \$250. If a registered lobbyist fails to file a report or to pay the required fee for filing an untimely report, the commission may, after written notice sent by certified mail, return receipt requested, suspend the lobbyist's privileges as a

registered lobbyist until the lobbyist has satisfactorily complied with all reporting requirements and paid the required fee.

(c) (1) Except as otherwise provided in this section, each report filed by a lobbyist shall show the total amount of all expenditures for lobbying activities made or incurred by on behalf of the lobbyist during the period covered by the report. The report shall also show subtotals segregated according to financial category, including meals and beverages; living accommodations; advertising; travel; contributions; gifts to public officials or employees or to members of the immediate family of a public official or employee; and other expenses or services.

(2) Lobbyists are not required to report the following:

(A) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(B) Any expenses incurred for the lobbyist's own living accommodations;

(C) Any expenses incurred for the lobbyist's own travel to and from public meetings or hearings of the legislative and executive branches; or

(D) Any expenses incurred for telephone and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(d) If a lobbyist is employed by more than one employer, the report shall show the proportionate amount of the expenditures in each category incurred on behalf of each of his or her employers.

(e) The report shall describe the subject matter of the lobbying activities in which the lobbyist has been engaged during the reporting period.

(f) If, during the period covered by the report, the lobbyist made expenditures or expenditures were made or incurred on behalf of the lobbyist in the reporting categories of meals and beverages, living accommodations, travel, gifts or other expenditures, other than for those expenditures governed by subsection (g) of this section, the lobbyist shall report the name of the public official or employee to whom or on whose behalf the expenditures were made, the total amount of the expenditures, and the subject matter of the lobbying activity, if any. ~~Provided, That~~ A registered lobbyist who entertains more than one public official or public employee at a time with meals and beverages complies with the provisions of this section if he or she reports the names of the public officials or public employees entertained and the total amount expended for meals and beverages for all of the public officials or public employees entertained. ~~Provided, however, That~~ Where several lobbyists join in entertaining one or more public officials or public employees at a time with meals and beverages, each lobbyist complies with the provisions of this section by reporting the names of the public officials or public employees entertained and his or her proportionate share of the total amount expended for meals and beverages for all of the public officials or public employees entertained. Under this subsection, no portion of the amount of an expenditure for a dinner, party, or other function sponsored by a lobbyist's employer need be attributed to a particular public official or employee who attends the function if the sponsor has invited to the function all the members of: (1) The Legislature; (2) either house of the Legislature; (3) a standing or select committee of either house; or (4) a joint committee of the two houses of the Legislature. However, the amount spent for the function shall be added to other expenditures for the purpose of determining the total amount of expenditures reported under subdivision (1), subsection (c) of this section. ~~Provided further, That~~ If the expenditure is for a function to which

the entire membership of the Legislature has been invited, the lobbyist need only report that fact, the total amount of the expenditure, and the subject matter of the lobbying activity.

(g) If, during the period covered by the report, the lobbyist made expenditures in the reporting categories of meals and beverages, lodging, travel, gifts, and scheduled entertainment for or on behalf of a particular public official or public employee in return for the participation of the public official or employee in a panel or speaking engagement at a meeting, the lobbyist shall report the name of the public official or employee to whom or on whose behalf the expenditures were made and the total amount of the expenditures.

§6B-3-5. Grass roots lobbying campaigns.

~~(1)(a)~~ Any person who has made expenditures, not required to be reported under other sections of this chapter, exceeding \$5,000 in the aggregate within any three-month period or exceeding \$1,000 in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation, ~~shall be~~ is required to register and report, as provided in subsection ~~(2)(b)~~ of this section, as a sponsor of a grass roots lobbying campaign.

~~(2)(b)~~ Within 30 days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the Ethics Commission a registration statement, in such detail as the commission shall prescribe, showing:

~~(a)(1)~~ The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

~~(b)(2)~~ The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

~~(c)(3)~~ The names and addresses of each person contributing \$1,000 or more made for the purpose of furthering the campaign and the aggregate amount contributed;

~~(d)(4)~~ The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

~~(e)(5)~~ The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including, but not limited to, the following: (A) Advertising, segregated by media, and, in the case of large expenditures as provided by legislative rule of the commission of \$5,000 or more, by outlet; (B) contributions; (C) entertainment, including meals and beverages; (D) office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; (E) consultants; and (F) printing and mailing expenses.

~~(3)(c)~~ Every sponsor who has registered under this section shall file reports with the commission, which reports shall be filed for the same time periods required for ~~the filing of~~ lobbyists' reports under the provisions of §6B-3-4 of this code.

(4)(d) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

§6B-3-7. Duties of lobbyists.~~A~~ Any person required to register as a lobbyist under this article also has the following is subject to the obligations and prohibitions provided in this section. the violation of which constitutes **A violation of any obligation or prohibition may be** cause for revocation of his or her lobbyist registration and termination of his or her lobbying privileges. ~~and~~ **The violation may subject the person, and the person's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.**

(1) Any person required to register as a lobbyist shall obtain, preserve, and make available for inspection by the Commission at any time all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this article for a period of at least two years from the date of the filing of the statement to which those items relate: *Provided*, That if a lobbyist is required under the terms of his or her employment contract to turn any records over to his or her employer, responsibility for the preservation of the records under this subsection shall rest with the employer.

(2)~~In addition~~ A person required to register as a lobbyist may not:

(A) Engage in any lobbying activity before registering as a lobbyist;

(B) Knowingly deceive or attempt to deceive any government officer or employee as to any fact pertaining to a matter which is the subject of lobbying activity;

(C) Cause or influence the introduction of any legislation for the purpose of thereafter being employed to secure its defeat;

(D) Exercise any undue influence, extortion, or unlawful retaliation upon any government officer or employee by reason of the government ~~officer~~ officer's or employee's position with respect to, or his or her vote upon, any matter which is the subject of lobbying activity;

(E) Exercise undue influence upon any legislator or other privately employed government officer or employee through communications with the person's employer;

(F) Give a gift to any government officer or employee in excess of or in violation of any limitations on gifts set forth in ~~subsection (c), section five, article two of this chapter~~ §6B-2-5(c) of this code, or give any gift, whether lawful or unlawful, to a government officer or employee without the government officer or employee's knowledge and consent.

§6B-3-9. Penalties.

(a) **Any person who is required under the provisions of this article to file an application, statement, or report and who willfully and knowingly makes a false statement, conceals a material fact, or otherwise commits a fraud in the application, statement, or report, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in a county or regional jail not more than one year, or both fined and confined.**

(b) ~~A Any person who is subject to the registration and reporting requirements of this article and who fails or refuses to register, or who fails or refuses to file a required statement or report, or who otherwise violates the provisions of this article,~~ may be the subject of a complaint filed with the Ethics Commission, and may be proceeded against in the same manner and to the same ends as a public officer or public employee under the provisions of this chapter, if he or she:

(1) Fails or refuses to register;

(2) Fails or refuses to file a required statement or report; or

(3) Otherwise violates the provisions of this article.

(c) ~~A Any person who willfully and knowingly files a false report under the provisions of this article is liable in a civil action to any government officer or employee who sustains damage as a result of the filing or publication of the report.~~

On motion of Senator Rucker, the title of the bill was amended to read as follows:

Eng. House Bill 2120—A Bill to amend and reenact §6B-2-1, §6B-2-2, §6B-2-12, §6B-3-1, §6B-3-2, §6B-3-4, §6B-3-5, §6B-3-7, and §6B-3-9 of the Code of West Virginia, 1931, as amended, relating to modifying certain provisions regarding governmental ethics; modifying certain Ethics Commission duties and authorities; requiring a commission member to recuse himself or herself from certain decisions under certain circumstances; modifying certain rule-making requirements; requiring Ethics Commission develop certain electronic registration and reporting system by date certain and establishing criteria and functionality for same; requiring Ethics Commission provide certain information and resources on its website for public and lobbyist use; modifying certain lobbying registration requirements; modifying certain lobbying reporting requirements and increasing the number of required lobbying activity reports per year; and modifying the penalty provisions related to violations of statutory provisions governing lobbyists.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 552**), 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: Lucas and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2120) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2167, Relating to public charter schools code provisions.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

Senator Grady moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5G. PUBLIC CHARTER SCHOOLS.

§18-5G-3. Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws.

(a) Public charter schools authorized pursuant to this article shall meet the following general criteria:

(1) Are part of the state's system of public schools and are subject to general supervision by the West Virginia Board of Education for meeting the student performance standards required of other public school students under §18-2E-5(d) and (e) of this code;

(2) Are subject to the oversight of the school's authorizer for operating in accordance with its approved charter contract and for meeting the terms and performance standards established in the charter contract;

(3) Are not home school-based;

(4) Are not affiliated with or espouse any specific religious denomination, organization, sect, or belief and do not promote or engage in any religious practices in their educational program, admissions, employment policies, or operations;

(5) Are not affiliated with any organized group whose espoused beliefs attack or malign an entire class of people, typically for immutable characteristics, as identified through listings of such groups as may be made by the U. S. Department of Justice, the Federal Bureau of Investigation, or officials having similar jurisdiction in this state;

(6) Are public schools to which parents or legal guardians choose to send their child or children;

(7) Do not charge full-time tuition and may only charge such tuition or fees as may be imposed by noncharter public schools in this state, such as for part-time Hope Scholarship enrollment or for participation in student activities.

(8) Have no requirements that would exclude any child from enrollment who would not be excluded at a noncharter public school.

(b) A public charter school authorized pursuant to this article shall be governed by a board that meets the requirements established in §18-5G-7 of this code and:

(1) Has autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum, and instruction except as provided in this article;

(2) Has no power to levy taxes;

(3) Operates in pursuit of a specific set of educational objectives as defined in its charter contract;

(4) Provides a program of public education that:

(A) Includes one or more of the following: Prekindergarten and any grade or grades from kindergarten to grade 12 including any associated post-secondary embedded credit, dual credit, advanced placement, internship, and industry or workforce credential programs that the public charter school chooses to incorporate into its programs;

(B) May include in its mission a specific focus on students with special needs, including, but not limited to, at-risk students, English language learners, students with severe disciplinary problems at a noncharter public school, or students involved with the juvenile justice system; and

(C) May include a specific academic approach or theme including, but not limited to, approaches or themes such as STEM education, mastery-based education, early college, or fine and performing arts;

(5) Provides programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, regulations, rules and policies. A charter school shall deliver the services directly or contract with a county board or another provider to deliver the services as set forth in its charter contract;

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools;

(7) Employs its own personnel as employees of the public charter school and is ultimately responsible for processing employee paychecks, managing its employees' participation in the applicable retirement system, and managing its employees' participation in insurance plans: *Provided*, That nothing in this subdivision prohibits the public charter school from contracting with another person or entity to employ personnel or to perform services relating to managing its employees' participation in the retirement system or insurance plan. A county board may not require any employee of its school system to be employed in a public charter school. A county board may not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate against any school system employee involved directly or indirectly with an application to establish a public charter school as authorized under this section. All personnel in a public charter school who were previously employed by the county board shall continue to accrue seniority with the county board in the same manner that they would accrue seniority if employed in a noncharter public school in the county for purposes of employment in noncharter public schools; and

(8) Is responsible for establishing a staffing plan that includes the requisite qualifications and any associated certification and/or licensure necessary for teachers and other instructional staff to be employed at the public charter school and for verifying that these requirements are met.

(c) A public charter school authorized pursuant to this article is exempt from all statutes and rules applicable to a noncharter public school or board of education except the following:

(1) All federal laws and authorities applicable to noncharter public schools in this state including, but not limited to, the same federal nutrition standards, the same civil rights, disability rights and health, life and safety requirements applicable to noncharter public schools in this state;

(2) The provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings;

(3) The same immunization requirements applicable to noncharter public schools;

(4) The same compulsory school attendance requirements applicable to noncharter public schools.

(A) When a parent or guardian withdraws a student from a public charter school and enrolls the child in a public school district of that county, the school district of the student's county of residence becomes responsible to track the student for all purposes.

(B) When a parent or guardian withdraws a student from a public charter school and enrolls the child in another public charter school, home school, private school, learning pod, microschool, or out-of-state school, the receiving school or district becomes responsible to track the student for all purposes: *Provided*, That the public charter school from which the student is withdrawing provides the attendance director of the student's county of residence notification of withdrawal from the charter school by phone, electronically, or in writing. The written notification shall include, but is not limited to, the student's name, WVEIS identification number, parent/guardian contact information, and the anticipated or actual withdrawal date.

(5) The same minimum number of days or an equivalent amount of instructional time per year as required of noncharter public school students under §18-5-45 of this code;

(6) The same student assessment requirements applicable to noncharter public schools in this state, but only to the extent that will allow the state board to measure the performance of public charter school students pursuant to §18-2E-5(d) and (e) of this code. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements. Public charter school teachers who are not certified or licensed in the State shall be permitted to proctor state assessments: *Provided*, That the teacher has successfully completed the annual training to serve as proctor and the charter school maintains a list of all staff who have successfully completed that annual training.

(7) The Student Data Accessibility, Transparency and Accountability Act pursuant to §18-2-5h of this code;

(8) Use of the electronic education information system established by the West Virginia Department of Education for the purpose of reporting required information;

(9) Reporting information on student and school performance to parents, policy-makers, and the general public in the same manner as noncharter public schools utilizing the electronic format established by the West Virginia Department of Education. Nothing precludes a public charter school from utilizing additional measures for reporting information on student and school performance that go beyond state requirements;

(10) All applicable accounting and financial reporting requirements as prescribed for public schools, including adherence to generally accepted accounting principles. A public charter school shall annually engage an external auditor to perform an independent audit of the school's finances. The public charter school shall submit the audit to its authorizer and to the state superintendent of schools within nine months of the end of the fiscal year for which the audit is performed;

(11) A criminal history check pursuant to §18A-3-10 of this code for any staff person that would be required if the person was employed in a noncharter public school, unless a criminal history check has already been completed for that staff person pursuant to that section. Governing board members and other public charter school personnel are subject to criminal history record checks and fingerprinting requirements applicable to noncharter public schools in this state. Contractors and service providers or their employees are prohibited from making direct, unaccompanied contact with students and from access to school grounds unaccompanied when students are present if it cannot be verified that the contractors, service providers or employees have not previously been convicted of a qualifying offense pursuant to §18-5-15c of this code;

(12) The same zoning rules for its facilities that apply to noncharter public schools in this state;

(13) The same building codes, regulations and fees for its facilities that apply to noncharter public schools in this state, including any inspections required for noncharter public schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance of a certificate of occupancy for any facility used by the public charter school; and

(14) The same student transportation safety laws applicable to public schools when transportation is provided.

§18-5G-4. West Virginia Board of Education; powers and duties for implementation, general supervision and support of public charter schools.

(a) The state board along with the West Virginia Public Charter School Board established in §18-5G-15 of this code shall consult with nationally recognized charter school organizations and establish and maintain a catalogue of best practices for public charter schools applicable for all applicants, authorizers, governing board members, and administrators that are consistent with this article and nationally recognized principles and professional standards for quality public charter school authorizing and governance in all major areas of authorizing and governance responsibility in the following areas:

- (1) Organizational capacity and infrastructure;
- (2) Solicitation and evaluation of charter applications;
- (3) A framework to guide the development of charter contracts;
- (4) Performance contracting including a performance framework;
- (5) Providing transparency and avoiding all conflicts of interest;
- (6) Ongoing public charter school oversight and evaluation; and
- (7) Charter approval and renewal decision-making;

(b) The state board is responsible for exercising, in accordance with this article, the following powers and duties with respect to the oversight and authorization of public charter schools:

(1) Provide forms to promote the quality and ease of use for authorizers to solicit applications for public charter schools, for applicants to complete applications, and for establishing quality charter contracts that include a framework for performance standards. The forms shall be

available for use and solicitations made not later than the beginning of February, 2020. The forms shall include an application deadline of August 31st of the year prior to the beginning of operations for the proposed school year, or April 30th of the proposed school year in the case of a conversion public charter school or a program conversion public charter school. No public charter school may begin operation prior to the beginning of the proposed school year ~~following the previous year August application;~~

(2) Provide training programs for public charter school applicants, administrators and governing board members, as applicable, that include, but are not limited to:

(i) Pre-application training programs and forms to assist in the development of high quality public charter school applications;

(ii) The required components and the necessary information of the public charter school application and the charter contract as set forth in this article;

(iii) The public charter school board's statutory role and responsibilities;

(iv) Public charter school employment policies and practices; and

(v) Authorizer responsibilities for public charter school contract oversight and performance evaluation;

(3) Receive and expend appropriate gifts, grants and donations of any kind from any public or private entity to carry out the purposes of this act, subject to all lawful terms and conditions under which the gifts, grants or donations are given;

(4) Apply for any federal funds that may be available for the implementation of public charter school programs;

(5) Establish reporting requirements that enable the state board to monitor the performance and legal compliance of authorizers and public charter schools;

(6) Establish a framework and procedures for interactions between public charter schools, public noncharter schools and county boards of education to facilitate cooperation for shared services, training and information and to ensure the prompt transfer of student records, including IEP's, so as to minimize the interruption of a student's education when transferring between noncharter public schools and public charter schools; and

(7) Submit to the Governor and the Legislature an annual report within 60 days of the end of each school year summarizing:

(A) The student performance of all operating public charter schools; and

(B) The authorization status of all public charter schools within the last school year, identifying all public charter schools as:

(i) Application pending;

(ii) Application denied and reasons for denial;

(iii) Application approved, but not yet operating;

(iv) Operating and years of operation;

(v) Renewed and years of operation;

(vi) Terminated;

(vii) Closed;

(viii) Never opened; and

(ix) Any successful innovations applied in authorized public charter schools which may be replicated in other schools. The report shall provide information about how noncharter public schools may implement these innovations.

(c) The state board shall be the authorizer of a public charter school when a county board or boards approve the application for a public charter school and requests the state board to perform the authorizer duties and responsibilities or when an application to form a public charter school or to renew a charter contract is submitted from an applicant within a county in which the state board has intervened and limited the power of the county board to act pursuant to §18-2E-5 of this code.

§18-5G-7. Public Charter school governing board.

(a) To ensure compliance with this article, a public charter school shall be administered by a governing board accountable to the authorizer as set forth in the charter contract. A public charter school governing board shall consist of no fewer than five members elected or selected in a manner specified in the charter application, including at least the following:

(1) Two parents of students attending the public charter school operating under the governing board; and

~~(2)~~ Two members who reside in the community served by the public charter school.

(b) Members of the governing board shall:

~~(A)~~ (1) Not be an employee of the public charter school administered by the governing board;

~~(B)~~ (2) Not be an employee of an education service provider that provides services to the public charter school;

~~(C)~~ (3) File a full disclosure report to the authorizer identifying potential conflicts of interest, relationships with management organizations, and relationships with family members who are employed by the public charter school or have other business dealings with the school, the management organization of the school, or any other public charter school;

~~(D)~~ (4) Collectively possess expertise in leadership, curriculum and instruction, law, and finance; and

~~(E)~~ (5) Be considered an officer of a school district under the provisions of §6-6-7 of this code and removal from office shall be in accordance with the provisions of that section or by a vote of the governing board.

(c) The public charter school governing board shall:

(1) Operate under the oversight of its authorizer in accordance with its charter contract;

(2) As a public corporate body, have the powers necessary for carrying out the terms of its charter contract, including, but not limited to the power to:

(A) Receive and disburse funds for school purposes;

(B) Secure appropriate insurance and enter into contracts and leases;

(C) Contract with an education service provider, so long as the governing board retains final oversight and authority over the school;

(D) Pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit;

(E) Solicit and accept any gifts or grants for school purposes, subject to applicable laws and the terms of its charter; and

(F) Acquire real property for use as its facilities or facilities from public or private sources;

(3) Enroll students in the public charter school pursuant to §18-5G-11 of this code;

(4) Require any education service provider contracted with the governing board to provide a monthly detailed budget to the board; and

(5) Provide programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, rules, and regulations. A public charter school shall deliver the services directly or contract with another provider to deliver the services.

(d) A public charter school authorized under this article may:

(1) Negotiate and contract with its authorizer or any third party for the use, operation, and maintenance of a building and grounds, liability insurance, and the provision of any service, activity, or undertaking that the public charter school is required to perform in order to carry out the educational program described in its charter contract. Any services for which a public charter school contracts with a school district shall be provided by the district at cost and shall be negotiated as a separate agreement after final charter contract negotiations;

(2) Sue and be sued in its own name;

(3) Own, rent, or lease its space;

(4) Participate in cocurricular activities to the same extent as noncharter public schools; and

(5) Participate in extracurricular activities to the same extent as noncharter public schools.

(e) The public charter school governing board is responsible for the operation of its public charter school, including, but not limited to, ensuring compliance with the public charter school criteria, governance and statutory compliance set forth §18-5G-3 of this code, the preparation of

an annual budget, contracting for services, school curriculum, personnel matters, and achieving the objectives and goals of the public charter school's program.

(f) The public charter school governing board shall comply with the provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings.

(g) Notwithstanding anything else in this Code, when a state institution of higher education is an applicant and after its application is approved by an authorizer, the governing board of the public charter school may be an administrative unit of the state institution of higher education, and the governing board may enter into the charter contract on behalf of the state institution of higher education.

§18-5G-14a. Alternative high-risk population public charter schools.

(a) Alternative high-risk population public charter schools may be authorized and funded pursuant to this article. To be eligible for an alternative high-risk population public charter school, the school must have an unduplicated count of at least 70 percent of their total enrollment, upon first entry to the school, comprised of high-risk students and obtain approval from the Charter School Board certifying the school meets the criteria. "High risk" students include the following:

(1) Students who have been expelled;

(2) Students who have been suspended more than 10 days in a school year;

(3) Wards of the court or dependents of the court;

(4) Recovered dropouts;

(5) Students who are habitually truant;

(6) Students who have been retained more than once in kindergarten through grade eight;

(7) Students who are credit deficient;

(8) Students who have a high-level transiency such as being enrolled in more than two schools during the past academic year or have changed secondary schools more than two times since entering high school;

(9) Foster youth;

(10) Homeless youth; and

(11) Students who need greater flexibility in scheduling or have circumstances which would benefit from this type of schooling.

(b) The state board shall promulgate a rule pursuant to the provisions of §29A-3B-1 *et seq.* of this code setting forth requirements for alternative high-risk population charter school funding.

On motion of Senator Grady, the title of the bill was amended to read as follows:

Eng. Com. Sub. for Com. Sub. for House Bill 2167—A Bill to amend and reenact §18-5G-3, §18-5G-4, and §18-5G-7 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18-5G-14a, relating to providing that public charter schools may not charge full-time tuition and may only charge such tuition or fees as may be imposed by noncharter public schools in this state, such as for part-time Hope Scholarship enrollment or for participation in student activities; allowing public charter schools to employ personnel to perform services relating to managing its employees' participation in the retirement system or insurance plan; assigning responsibility for tracking the student when a parent or guardian withdraws the student from a public charter school and imposing notification of withdraw requirement on public charter school in certain instances; providing that public charter school teachers who are not certified or licensed are permitted to proctor state assessment under certain conditions; providing for a different application deadline in the case of a conversion public charter school or a program conversion public charter school; allowing a public charter school governing board member to be removed by a vote of the governing board; allowing alternative high-risk population public charter schools to be authorized and funded under public charter school article; providing eligibility requirements to be an alternative high-risk population public charter school; providing for which students qualify to be high-risk; and requiring state board rule setting forth requirements for funding.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 553**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Hansen, Lewis, Miller, Pushkin, Vance, Williams and Young.

Absent and Not Voting: Lucas and Worrell.

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. 2167) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2411, To provide and change graduation requirements and change duties relating to academic content standards.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

Senator Grady moved to amend the bill on page 6, section 9, after line 125, by inserting a new subdivision (5), to read as follows:

(5) If a student uses a computer science course to fulfill a math or science credit, the school district shall denote that computer science course as equivalent to a high school math course or

a high school science course, as applicable, on the student's transcript for the purpose of admission to a higher education institution in this state;

And,

By renumbering the remaining subdivisions.

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

Eng. Com. Sub. for House Bill 2411—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass a minimum of one credit of computer science; defining computer science; allowing computer science credit to be earned in grades eight through twelve; establishing requirements for the classes; allowing computer science credit to substitute for one math credit or one personalized education plan credit; requiring the computer science credit to be approved for one credit in career technical education if the credit is relevant to the program of study; requiring computer science course if used to fulfil a math credit to be denoted as the equivalent of a high school math course on the student's transcript for certain purpose; requiring West Virginia Board of Education rules detailing how certain credit fulfillment is to be granted; requiring West Virginia Board of Education to make available to all public schools a list of course options that can meet the requirements for this computer science credit; and allowing the West Virginia Board of Education to adopt rules to administer the computer science credit provisions.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 554**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Lucas and Worrell.

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. 2411) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2528, To permit students in Christian schools at the elementary and middle school level to participate in county level sport tournaments.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

On motion of Senator Grady, the title of the bill was amended to read as follows:

Eng. Com. Sub. for House Bill 2528—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to authorizing elementary and middle school students enrolled in any private, parochial, or church school or school of a religious order or other nonpublic school to participate in county athletic tournaments under certain circumstances.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 555**), 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: Dean.

Absent and Not Voting: Lucas, Pinson and Worrell.

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. 2528) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, a bill of the House of Delegates, effective from passage as follows:

H. B. 2742, Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

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

On this question, the yeas and nays were taken (**Roll No. 556**), and there were—yeas 98, nays none, absent and not voting, with the absent and not voting being as follows:

Absent and Not Voting: Lucas and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2742) takes effect from its passage.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2797, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Health and Human Resources moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-1f. Certain psychiatric injuries and diseases not compensable; definitions; legislative findings; terms; report required.

(a) Except as provided by this section, for the purposes of this chapter, no alleged injury or disease may be recognized as a compensable injury or disease which was solely caused by nonphysical means and which did not result in any physical injury or disease to the person claiming benefits. Except as otherwise provided in this section, it is the purpose of this section to clarify that so-called mental-mental claims are not compensable under this chapter.

(b) For the purposes of this section:

(1) "First responder" means a law enforcement officer, firefighter, emergency medical technician, paramedic, and emergency dispatcher;

(2) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or a later edition as adopted by rule of the insurance commissioner; and

(3) "Licensed mental health provider" means a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed marriage and family therapist, certified mental health nurse practitioner, certified psychiatric physician assistant, or licensed social worker who:

(A) Holds a master's degree or higher;

(B) Holds a terminal license within their profession; and

(C) Is qualified to treat post-traumatic stress disorder.

(4) "Employer" means any entity that controls, consistent with the provisions of West Virginia law relating to an employment relationship, the paid or volunteer employment of a first responder eligible for benefits under this section.

(c) The Legislature finds that post-traumatic stress disorder is a unique medical condition. Although it may manifest itself as a psychiatric condition that would be otherwise precluded from workers' compensation coverage, post-traumatic stress disorder is an occupational hazard for first responders, similar to members of the military serving in combat. The Legislature further finds that because first responders are required to expose themselves to traumatic events during the course of their employment and thus are at a recognized higher risk of developing post-traumatic stress disorder, and because of the severe nature and debilitating effects of post-traumatic stress disorder, it is the moral obligation of the state to permit coverage to this class of individuals for their work-related disease.

(d)(1) Post-traumatic stress disorder suffered by a first responder may be recognized as a compensable occupational disease under §23-4-1(f) of this code when:

(A) The employer has elected to provide coverage for post-traumatic stress disorder as an occupational disease; and

(B) A diagnosis has been made by a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant that the first responder suffered from post-traumatic stress disorder due to exposure to an event or events that occurred in the course of and resulting from the first responder's paid or volunteer covered employment: *Provided*, That the provisions of this section shall apply only to a post-traumatic stress disorder diagnosis made on or after July 1, 2021, or the first day of the employer's next workers' compensation insurance policy or self-insurance program term for which post-traumatic stress disorder coverage has been purchased or elected, whichever is later.

~~(2) While the diagnosis must be made by a licensed psychiatrist, mental health treatment consistent for a post-traumatic stress disorder diagnosis may be offered by a licensed mental health provider other than the diagnosing psychiatrist~~

While the diagnosis must be made by a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant, mental health treatment consistent for a post-traumatic stress disorder diagnosis may be offered by a licensed mental health provider other than the diagnosing psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant.

(3) A diagnosis of post-traumatic stress disorder under this section ~~shall~~ may not include consideration of any layoff, termination, disciplinary action, or any similar personnel-related action taken in good faith by an employer.

(4) Benefits for a post-traumatic stress disorder diagnosis made under this section are contingent upon the employer electing to provide coverage for post-traumatic stress disorder from its workers' compensation insurance carrier or to provide for it through its self-insurance program, whichever is applicable.

(5) The receipt of benefits is contingent on a claim being made within three years from and after a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant has made the claimant aware of a post-traumatic stress disorder diagnosis in accordance with this section.

(e) ~~Any~~ An employer that elects to offer coverage to first responders for post-traumatic stress disorder under this section shall report post-traumatic stress disorder claims data to the Offices of the Insurance Commissioner directly or via the employer's private workers' compensation insurance carrier, whichever is applicable, ~~beginning July 1, 2021, or~~ from the first day of the employer's next workers' compensation insurance policy or self-insurance program term, which provides such elective coverage, whichever is later.

(f) The Offices of the Insurance Commissioner shall report annually on claims data related to post-traumatic stress disorder claims for first responders to the Joint Committee on Volunteer Fire Department and Emergency Medical Services beginning January 1, 2022.

~~(g) The amendments made to this section during the 2021 regular session of the Legislature to recognize post-traumatic stress disorder as a compensable injury subject to the provisions of this section shall expire on July 1, 2026, unless extended by the Legislature.~~

On motion of Senator Chapman, the title of the bill was amended to read as follows:

Eng. Com. Sub. for House Bill 2797—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to who may diagnose post-traumatic stress disorder for a first responder; adding certified nurse practitioners and certified physician assistants to list of professionals; providing requirements for such; and removing sunset clause.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 557**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Worrell.

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. 2797) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2880, Relating to parent resource navigators.

On motion of Delegate McGeehan, the House refused to concur in the Senate amendments, and the Speaker was authorized to appoint three members to a Committee of Conference on the differing votes of the two houses. To this committee, the Speaker appointed Delegates Burkhammer, Pinson, and Pushkin.

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

A message from the Senate, by

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

H. B. 3373, To extend and revise the sunset provision in the Tourism Development Act to December 31, 2030.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

On motion of Senator Rucker, the title of the bill was amended to read as follows:

Eng. House Bill 3373—A Bill to amend and reenact §5B-2E-11 of the Code of West Virginia, 1931, as amended, relating to extending the sunset date for tourism development projects to January 1, 2031; and modifying the title of the affected state agency.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 558**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Anders, Coop-Gonzalez, Dillon, Martin, Ridenour, Steele, Street, Ward and White.

Absent and Not Voting: Worrell and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3373) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 449, Permitting compressed air and rimfire shooting teams in public schools.

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

On motion of Senator Martin, the title of the bill was amended to read as follows:

Eng. Com. Sub. for Senate Bill 449—A BILL to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18-2-46, relating to permitting air rifles and rimfire rifles on school buses solely during transportation to or from a school-sponsored shooting team event, on the grounds of any primary or secondary educational facility of any type for shooting team purposes, and at a school-sponsored shooting team function that is taking place in a specific area that is owned, rented, or leased by West Virginia Department of Education, the West Virginia Secondary School Activities Commission, a county school board, or local public school; and requiring that during the school day or at any time other than school-sponsored team events or practices, the air rifles and rimfire rifles and ammunition be locked up in a location where students do not have access; and requiring air rifles and rimfire rifles and ammunition stored on school buses to be placed in a locked case and located in a specific location that is determined by the state transportation director or the county transportation director.

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 559**), 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: Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 449) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

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

On motion of Delegate McGeehan, the House concurred in the following amendment of the bill by the Senate:

The Committee on Health and Human Resources moved to amend the committee substitute on page 9, line 11, by inserting the following:

"On page 6, by adding two new subdivisions, designated as subdivision 6.5.7. and 6.5.8. to read as follows:

6.5.7. Disclose and list any other healthcare facility and recovery residence owned or managed by the applicant in any state in the United States;

6.5.8. Disclose whether the applicant is part of any lawsuit or regulatory action in any state in the United States related to patient care, human trafficking, labor exploitation, or financial misconduct.;

On page 9, after subsection 6.16., by inserting two new subsections, designated as 6.17. and 6.18. to read as follows:

6.17. Upon discharge of a resident, the recovery residence shall provide to the discharged resident a link or QR code for the resident to be able to complete an exit survey in a form to be prescribed by the Office of Health Facility Licensure and Certification.

6.18. The Office of Health Facility Licensure and Certification, the certifying agency, and the West Virginia Fusion Center may refer complaints and information received among each other and with law enforcement and criminal justice support agencies, as appropriate.;

And,

On page 10, line 52, by inserting the following:

"(c) The Legislature directs the Department of Human Services to amend the legislative rule filed in the State Register on May 11, 2021, authorized under the authority of §49-2-121 of this code, relating to the Department of Human Services (child placing agencies licensure, 78 CSR 02), is authorized with the amendment set forth below:

On page 1, subsection 1.5. by striking out the number "2026" and inserting in lieu thereof the number "2031";

On page 29, by striking out all of paragraph 13.2.1.b.;

And.

Renumbering the remaining paragraphs accordingly.”

Senator Martin moved to amend the amendment on page 9, subsection (b), by striking out lines 3-17 and inserting in lieu thereof the following:

On page 6, subdivision 6.5.5., by striking out the word "and";

On page 6, after subdivision 6.5.6., by adding two new subdivisions, designated as subdivision 6.5.7. and 6.5.8. to read as follows:

6.5.7. Disclose and list any other healthcare facility and recovery residence owned or managed by the applicant in any state in the United States; and

6.5.8. Disclose whether the applicant is part of any lawsuit or regulatory action in any state in the United States related to patient care, human trafficking, labor exploitation, or financial misconduct.;

On page 9, after subsection 6.16., by inserting two new subsections, designated as subsection 6.17. and subsection 6.18. to read as follows:

6.17. Resident Exit Survey

6.17.1. Upon discharge of a resident, the recovery residence shall provide to the discharged resident a link or QR code for the resident to be able to complete an exit survey in a form to be prescribed by the Office of Health Facility Licensure and Certification.

6.18. Referral of Complaints

6.18.1. The Office of Health Facility Licensure and Certification, the certifying agency, and the West Virginia Fusion Center may refer complaints and information received among each other and with law enforcement and criminal justice support agencies, as appropriate.;

And,

By renumbering the remaining subsections.

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 560**), 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: Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 325) passed.

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

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

On this question, the yeas and nays were taken (**Roll No. 561**), 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: Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 325) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

Delegate McGeehan moved that the House concur with the bill as amended by the Senate.

The question being on the concurrence in Senate amendments, the yeas and nays were taken (**Roll No. 562**), and there were—yeas 30, nays 68, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Akers, Browning, D. Cannon, J. Cannon, Chiarelli, W. Clark, Fehrenbacher, Fluharty, Foggin, Funkhouser, Hamilton, Hansen, Hite, Hornbuckle, Kyle, Leavitt, Lewis, Maynor, McCormick, McGeehan, Petitto, Phillips, Pushkin, D. Smith, Stephens, Williams, Willis, Young and Zatezalo.

Absent and Not Voting: Ferrell and Worrell.

So, a majority of the members having not voted in the affirmative, the Speaker declared the motion rejected.

Committee Reports

On motion for leave, a resolution was introduced (Originating in the Committee on Rules and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegate Linville:

H. C. R. 103 - "Requesting the Joint Committee on Government and Finance study West Virginia's participation and affiliation with PJM Interconnection LLC which serves West Virginia as a Regional Transmission Authority, coordinating the movement of wholesale electricity in all or parts of 13 states and the District of Columbia."

Delegate McGeehan requested unanimous consent to take up the resolution for immediate consideration.

Objection was noted, therefor the resolution will layover for one day.

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:

S. C. R. 18, Recognizing intent to create WV Coal Renaissance Act,

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

Miscellaneous Business

Delegates Hornbuckle and Lewis notified the Clerk that they voted in error on Com. Sub. for S. B. 196, and indicated their preference to vote “no”.

At 6:23 p.m., the House of Delegates adjourned until 9:00 a.m., Saturday, April 11, 2025.

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

SPECIAL CALENDAR

Saturday, April 12, 2025

60th Day

11:00 A.M.

UNFINISHED BUSINESS

- | | |
|----------------|--|
| S. C. R. 18 - | Recognizing intent to create WV Coal Renaissance Act |
| H. C. R. 103 - | Requesting the Joint Committee on Government and Finance study West Virginia's participation and affiliation with PJM Interconnection LLC which serves West Virginia as a Regional Transmission Authority, coordinating the movement of wholesale electricity in all or parts of 13 states and the District of Columbia. |

THIRD READING

- | | |
|---------------------------|--|
| Com. Sub. for S. B. 128 - | Preventing courts from ordering services at higher rate than Medicaid |
| Com. Sub. for S. B. 299 - | Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment |
| Com. Sub. for S. B. 474 - | Ending diversity, equity, and inclusion programs |
| Com. Sub. for S. B. 748 - | Creating Safer Communities Act [Right to Amend] |
| Com. Sub. for S. B. 790 - | Requiring quarterly reporting by certain water and wastewater utilities |
| S. B. 856 - | Removing certain reporting requirements to Joint Committee on Government and Finance |

HOUSE CALENDAR

Saturday, April 12, 2025

60th Day

11:00 A.M.

UNFINISHED BUSINESS

H. C. R. 19 - Declaring December 14 as Frosty the Snowman Day

THIRD READING

S. B. 483 - Increasing civil penalties for failure to file required campaign finance reports

H. B. 2060 - Creating tax exemption for agricultural cooperative associations

Com. Sub. for H. B. 3377 - Non-State Owned Roads Improvement Act

H. B. 3425 - Clarifying that any person employed by the Division of Corrections and Rehabilitation pursuant to a contract includes contracted staff that work for vendors

H. B. 3516 - Relating to limit of liability through Board of Risk Management

SECOND READING

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

Com. Sub. for S. B. 592 - Relating generally to aboveground storage tanks

Com. Sub. for S. B. 904 - Clarifying requirements for Commissioner of Bureau for Public Health

Com. Sub. for H. B. 2006 - Defining Men and Women

Com. Sub. for H. B. 2146 - 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

Com. Sub. for H. B. 2355 - Permitting middle or high school students to participate in travel sports teams without repercussion.

Com. Sub. for H. B. 2400 - Prohibiting the delivery of unsolicited absentee ballot applications to any person who has not specifically requested one from the county clerk

Com. Sub. for H. B. 2409 -	Updating cooperative agreements
H. B. 2683 -	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

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