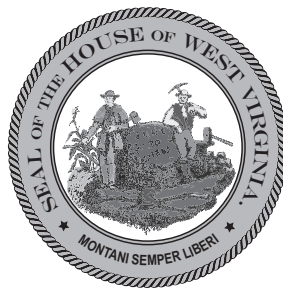


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Seventh Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



April 8, 2025
FIFTY-SIXTH DAY

Tuesday, April 8, 2025

FIFTY-SIXTH 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 Monday, April 7, 2025, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

S. B. 89, Creating alternative high-risk population public charter schools,

And,

Com. Sub. for S. B. 155, Establishing Summer Feeding for All Program,

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

In accordance with the former direction of the Speaker, the bills (S. B. 89 and Com. Sub. for S. B. 155) were each referred to the Committee on Finance.

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

S. B. 940, Relating to Water Pollution Control Act,

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

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

Com. Sub. for S. B. 794, Authorizing DOH to erect warning signs,

And,

S. B. 941, Clarifying authority regarding dams designed by US Conservation Service,

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

**Messages from the Executive
and Other Communications**



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 7, 2025

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

Dear Governor Morrissey,

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

Com. Sub. for H. B. 2129, Creating the Parents Bill of Rights.;

H. B. 2441, To make those who fail drug test ineligible for unemployment;

Com. Sub. for H. B. 2513, Enhancing training requirements for county boards of education members;

And,

Com. Sub. for H. B. 2548, Clarifying duties of state superintendent regarding rule implementation.

These bills are presented to you on this day, April 7, 2025.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey Pack".

Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 7 2025

Time 2:25pm



Patrick Morrisey
Governor of West Virginia

April 7, 2025

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

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Four Hundred Fifty-Eight (458), which was presented to me on April 3, 2025.

You will note that I have approved this bill on April 7, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Jeff Pack, Clerk



Patrick Morrisey
Governor of West Virginia

April 8, 2025

The Honorable Jeff Pack, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

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

Committee Substitute for House Bill No. Two Thousand Forty-Three (2043), which was presented to me on April 3, 2025.

House Bill No. Two Thousand Three Hundred Eighty-Seven (2387), which was presented to me on April 2, 2025.

House Bill No. Two Thousand Five Hundred Sixteen (2516), which was presented to me on April 2, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Ninety-Two (3192), which was presented to me on April 2, 2025.

You will note that I have approved these bills on April 8, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk



Patrick Morrisey
Governor of West Virginia

April 8, 2025

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

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Eight Hundred Twenty-Three (823), which was presented to me on April 2, 2025.

You will note that I have approved this bill on April 8, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Jeff Pack, Clerk

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:

Com. Sub. for H. B. 2217, Relating to penalties for conspiracy to commit murder.

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

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:

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-31. Conspiracy; construction of section; penalties. ~~(a) It shall be~~ is unlawful for two or more persons to conspire: (1) to commit any offense against the state, or (2) to defraud the state, the state or any county board of education, or any county or municipality of the state, if, in either case, one or more of such persons does any act to effect the object of the conspiracy.

~~(b) Nothing in this section shall~~ may be construed to supersede, limit, repeal, or affect the provisions of §3-9-8; §5-1-2; ~~§5A-3-38; §5A-3-31; §9-7-5; §15-1E-81; §20-7-7; §60-6-16, §60A-4-414; §61-6-7, §61-6-8, §61-6-9, and §61-6-10; §61-10-34; or §62-8-1; all of this code. It shall not be~~ is not a defense to any prosecution under this section ~~thirty-one~~ that the conduct charged or proven is also a crime under any other provision or provisions of this code or the common law.

~~(c)(1) Any person who violates the provisions of this section by conspiring to commit an offense against the state which is a felony, or by conspiring to defraud the state, the state or any county board of education, or any county or municipality of the state, shall be~~ is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in ~~the penitentiary~~ a state correctional facility for not less than one nor more than five years or by a fine of not more than \$10,000, or ~~in the discretion of the court by both such imprisonment and fine.~~

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who violates the provisions of this section by conspiring to commit an offense against the state which is a felony crime of violence against the person or a felony offense where the victim was a minor child, as those terms are defined in §62-12-13 of this code, is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in a state correctional facility for not less than three years nor more than 15 years.

(3) Notwithstanding the provisions of subdivisions (1) or (2) of this subsection, any person who violates the provisions of this section by conspiring to commit an offense in violation of §61-2-14a, §61-3-1, or §61-8B-3 of this code, or an offense against the state which is punishable by life imprisonment is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in a state correctional facility for not less than five years nor more than 25 years.

~~(d) Any person who violates the provisions of this section by conspiring to commit an offense against the state which is a misdemeanor shall be~~ is guilty of a misdemeanor and, upon conviction

thereof, shall be punished by confinement in ~~the county~~ jail for not more than one year or by a fine of not more than \$1,000, or ~~in the discretion of the court, by both such~~ confinement and fine.

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. 409**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Hornbuckle, Lewis, and Pushkin.

Absent and Not Voting: B. Smith.

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. 2217) 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:

H. B. 2360, Clarifying the victims of crimes against law-enforcement officers.

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

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:

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES. §61-11-27. DEFINITION OF LAW-ENFORCEMENT OFFICER.

For purposes of §61-2-10b, §61-5-17, and §61-5-17a, "law-enforcement officer" has the same definition as this term is defined in §30-29-1 and shall additionally include individuals defined as "chief executive", "law-enforcement official", and "pre-certified law-enforcement officer" in §30-29-1, and any person hired, elected, appointed, or otherwise authorized by this code to engage in or supervise the prevention, detection, or investigation of the criminal laws of this state.

And,

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

Eng. House Bill 2360—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-27, relating to the definition of law-enforcement officers; and clarifying that term includes chief executives, law-enforcement officials, pre-certified law-enforcement officers, and others authorized to enforce the criminal laws of this state.

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. 410**), 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: B. Smith.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2360) 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:

H. B. 3030, Administration of the West Virginia Water Pollution Control Act.

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

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

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-10. Water Quality Management Fund established; permit application fees; annual permit fees; dedication of proceeds; rules.

(a) The special revenue fund designated the Water Quality Management Fund established in the State Treasury on July 1, 1989, is ~~hereby~~ continued.

(b) The following shall be deposited into the Water Quality Management Fund: (i) permit application fees and annual permit fees established and collected pursuant to this section; (ii) any interest or surcharge assessed and collected by the secretary; (iii) interest accruing on investments and deposits of the fund; and (iv) any other moneys designated by the secretary. ~~shall be deposited into the Water Quality Management Fund~~ The secretary shall expend the proceeds of the Water Quality Management Fund for the review of initial permit applications, renewal permit applications, and permit issuance activities.

(c) The secretary shall propose ~~for promulgation, legislative~~ rules for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code, to establish a schedule of application fees for all applications except for surface coal mining operations as defined in §22-3-13 of this code. The applicant shall submit the appropriate fee ~~shall be submitted by the applicant~~ to the department with the application filed pursuant to this article for any state water pollution control permit or national pollutant discharge elimination system permit. The schedule of application fees shall be designed to establish reasonable categories of permit application fees based upon the complexity of the permit application review process required by the department pursuant to the provisions of this article and the rules promulgated under this article. ~~Provided, That no initial application fee may exceed \$15,000 for any facility nor may any permit renewal~~

application fee exceed \$5,000. The department may not process any permit application pursuant to this article until the required permit application fee has been received.

(d) The secretary shall propose ~~for promulgation legislative rules~~ for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code to establish a schedule of permit fees to be assessed annually upon each person holding a state water pollution control permit or national pollutant discharge elimination system permit issued pursuant to this article except for permits held by surface coal mining operations as defined in §22-3-1 *et seq.* of this code. Each person holding a permit shall pay the prescribed annual permit fee to the department. ~~pursuant to the rules promulgated under this section: *Provided*, That no Any person holding a permit for a home aerator of 600 gallons and under shall be is not required to pay an annual permit fee.~~ The schedule of annual permit fees shall be designed to establish reasonable categories of annual permit fees based upon the relative potential of categories or permits to degrade the waters of the state. ~~*Provided, however*, That no annual permit fee may exceed \$5,000~~ The secretary may declare any permit issued pursuant to this article void when the annual permit fee is more than 90 days past due. ~~pursuant to the rules promulgated under this section~~ Voiding of the permit will only become effective upon the date the secretary mails, by certified mail, written notice to the permittee's last known address notifying the permittee that the permit has been voided.

(e) The secretary shall file a quarterly report with the Joint Committee on Government and Finance setting forth the fees established and collected pursuant to this section.

(f) On July 1, 2022, and each year thereafter a \$1,000 fee shall be assessed for permit applications and a \$3,000 fee shall be assessed for permit renewals ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Annually on July 1, 2022, ~~and each year thereafter~~ a \$2,000 fee shall be assessed for any application for major permit modifications and a \$1,000 fee for minor permit modifications ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. On July 1, 2022, and each year thereafter a \$3,000 fee shall be assessed for any application for permit reissuance and a \$2,000 fee for permit transfer ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and every year thereafter, an annual permit fee of \$2,000 shall be assessed on the issuance anniversary dates of all permits issued pursuant to this article for surface coal mining operations as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and each year thereafter, an application for a water quality certification for activities covered by United States Army Corps of Engineers permits issued pursuant to 33 U.S.C. § 1344 and 33 C.F.R. Parts 323 or 330, in accordance with the legislative rules entitled Rules for Individual State Certification of Activities Requiring a Federal Permit, 47 C.F.R. 5A, must be accompanied by a \$500 fee. For all other categories of permitting actions pursuant to this article related to surface coal mining operations, the secretary shall propose ~~for promulgation legislative rules~~ for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code to establish a schedule of permitting fees.

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. 411**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Anders, Brooks, Clay, Coop-Gonzalez, Dillon, Ferrell, Kimble, Kump, Linville, Martin, Steele, Vance and Ward.

Absent and Not Voting: Pushkin and B. Smith.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3030) 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, without amendment and with change to effective date, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3089, Mandate the use of WV DMV electronic lien and title system for certain entities and persons.

On motion of Delegate McGeehan, the House concurred in the effective date of the bill by the Senate, that the bill take effect July 1, 2025.

On this question, the yeas and nays were taken (**Roll No. 412**), 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: Pushkin and B. Smith.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3089) takes effect July 1, 2025.

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

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. 1, Requiring utility work and road paving coordination; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Riley, the amendment was adopted.

Delegate Riley moved the bill on page 2, section 8a(f), line 28, immediately following the second occurrence of the word “right-of-way” by striking the remainder of the subsection and inserting and inserting in lieu thereof the following:

“in accordance with the West Virginia Division of Highways Accommodation of Utilities on Highway Right-of-Way and Adjustment and Relocation of Utility Facilities on Highway Projects latest manual.”

The Clerk then read the bill a 3rd time as amended.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 413**), 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: B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 1) 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. 198, Prohibiting creation, production, distribution, or possession of artificially generated child pornography; 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. 414**), 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: B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 198) passed.

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

S. B. 198 — “A Bill to amend and reenact §61-8-28a, §61-8C-1, §61-8C-2, §61-8C-3, §61-8C-3a, and §61-8C-3b of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto a new section, designated §61-8C-3c, relating to unlawful computer-generated images; creating definitions relating to intimate images; clarifying the offense of nonconsensual disclosure of intimate images includes certain fabricated intimate images; creating criminal offenses for nonconsensual disclosure of fabricated intimate images; clarifying the definitions relating to filming sexually explicit conduct of minors; creating definitions relating to filming sexually explicit conduct of minors; creating definitions relating to computer-generated child pornography; clarifying certain exemptions for the definitions relating to computer-generated child pornography; amending the article for consistent use of defined terms; clarifying facts or circumstances applicable to liability for offenses involving filming sexually explicit conduct of minors; creating criminal offenses for computer-generated child pornography; increasing certain penalties for distribution and exhibiting of material depicting minors engaged in sexually explicit conduct or computer-generated child pornography; reducing the number of images required for prosecution of certain offenses relating to distribution and exhibiting of material depicting minors engaged in sexually explicit conduct or computer-generated child pornography; clarifying the number of images attributable to certain video clips, movies, or similar recordings; clarifying that certain acts involving computer-generated child pornography may be acts of delinquency for minors; creating confidentiality provisions for restricted materials used for prosecution of offenses; clarifying the groups of persons to whom the criminal prohibitions related to child pornography are inapplicable when such persons are performing their official or employment duties; requesting the Supreme Court of Appeals to promulgate certain rules; authorizing mandatory reporting of certain individuals who observe images appearing to be a minor engaged in sexually explicit conduct on electronic devices; creating an affirmative defense for persons complying with the mandatory

reporting requirements; creating criminal penalties; and making technical and stylistic corrections.”

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

S. B. 257, Providing protection for property owner when someone visiting private cemetery causes damage to property; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 415**), 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: B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 257) 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. 270, Declaring sale and manufacture of firearms essential business during declared emergency; 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. 416**), 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: Hansen.

Absent and Not Voting: B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 270) passed.

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

“A Bill to amend and reenact §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to limiting restrictions of firearms owners during certain states of emergency and other like states; declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; adding entities engaged in providing firearms safety training, or firearms safety instructor courses, classes, or programs to a list of entities the operation of which may not be restricted by state action in an emergency; limiting restrictions on lawful hunting or fishing activities in an emergency; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; providing enumerated exceptions that would permit limited government action in the regulation of firearms in emergencies in certain narrowly tailored factual scenarios; creating an action for damages, injunctive relief, declaratory relief, or other appropriate

redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.”

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. 464, Creating license plate for recipients of Medal of Valor; 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. 417**), 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: B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 464) passed.

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

Com. Sub. of Com Sub. for Senate Bill 464 – “A BILL to amend and reenact §17A-3-14g of the Code of West Virginia, 1931, as amended, relating to the issuance of special plates to recipients of the Distinguished Medal of Valor or their surviving spouse; providing for plate design by Division of Motor Vehicles; specifying fees; exempting certain individuals from registration fees; and providing application and qualification requirements.”

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

S. B. 537, Establishing WV Mothers and Babies Pregnancy Support 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. 418**), 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: B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 537) 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. 617, Discouraging gang activity; 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 S. B. 810, Clarifying requirements for administration of anesthesia and chronic pain practice by certain licensed nurses; 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. 419**), and there were—yeas 80, nays 19, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: J. Cannon, T. Clark, Criss, Ellington, Fehrenbacher, Flanigan, Foggin, Funkhouser, Heckert, Linville, McCormick, McGeehan, Riley, Statler, Steele, Toney, Vance, Willis and Zatezalo.

Absent and Not Voting: B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 810) passed.

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

Second Reading

Com. Sub. for S. B. 485, Exempting West Virginia Secretary of State from competitive bidding process; on second reading, coming up in regular order, was read a second time and ordered to third reading,

On motion of Delegate Phillips, the amendment was adopted.

The Committee on Government Organization moved to amend the bill on page 2, section 1, line 41, by striking the period and inserting in lieu thereof a colon and the following words “*Provided*, That when any purchase or procurement has been made pursuant to this subdivision, the Secretary of State shall submit all bids, quotes, requested specifications, and contracts related to the purchase or procurement, as well as any subsequent change orders and amendments and addenda to contracts related to the purchase or procurement, to the director to be posted and publicly accessible on the division’s website: *Provided, however*, That the Secretary of State is not required to submit to the director any document or portion of a document that would be exempt from disclosure if the document or portion of a document were requested pursuant to §29B-1-1 *et seq.* of this code.”.

S. B. 496, Removing reflexology and other energy-based work from definition of "massage therapy"; on second reading, coming up in regular order, was read a second time and ordered to third reading,

On motion of Delegate Phillips, the amendment was adopted.

The Committee on Government Organization moved to amend the bill on page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 37. MASSAGE THERAPISTS.

§30-37-2. Definitions.

(a) "Board" means the West Virginia Massage Therapy Licensure Board.

(b) "Massage therapist" means a person licensed to practice the health care service of massage therapy under this article who practices or administers massage therapy to a client of either gender for compensation. No person licensed by the massage therapy licensure board may be referred to as a primary care provider nor be permitted to use such designation.

(c) "Massage therapy" means a health care service which is a scientific and skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone, circulation, promoting health and physical well-being. Massage therapy includes massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications or other therapies which involve manipulation of the muscle and connective tissue of the body, for the purpose of enhancing health, reducing stress, improving circulation, aiding muscle relaxation, increasing range of motion, or relieving neuro-muscular pain. Massage therapy does not include diagnosis or service which requires a license to practice medicine or surgery, osteopathic medicine, chiropractic, or podiatry, and does not include service performed by nurses, occupational therapists, or physical therapists, or reflexologists who act under their own professional license, certificate, or registration, or energy work practitioners (including reiki, qigong, and sound healing).

(d) "Massage establishment" means a place of business wherein massage therapy is practiced, with a physical site or premise, including mobile sites, licensed as required by this article, in which licensed massage therapists are employees or contractors practicing massage therapy on clients.

(e) "Sole practitioner" means a licensed massage therapist who is licensed pursuant to this article, who is not an employee or contractor of the sole practitioner or an establishment, and who provides massage therapy to clients at a specific location including, but not limited to, a rental space, home office space, offsite, or onsite space."

Com. Sub. for Com. Sub. for S. B. 565, Relating generally to practice of optometry; on second reading, coming up in regular order, was read a second time and ordered to third reading,

On motion of Delegate Worrell, the amendment was adopted.

The Committee on Health and Human Resources moved to amend the committee substitute on page 9, section 4, line 1, by striking section 4 in its entirety and inserting a new section 4 to read as follows:

"§30-8B-4. Certification requirements.

To be certified the licensee shall:

(1) Complete the required application form designed by the board; and

(2) Submit proof of attendance and satisfactory completion of education and training, including, but not limited to, a training requirement that at least a minimum of 5 posterior capsulotomy, 4 peripheral iridotomy and 5 selective laser trabeculoplasty procedures be

supervised for each individual person proposing certification. A licensee shall successfully demonstrate clinical proficiency to perform the procedure or procedures on a living human eye to the proctor's satisfaction. The procedures shall be proctored by an optometrist or ophthalmologist that already meets the above criteria and submitted to the board for review and any additional requirements as established by the board in §30-8B-5 of this code.

(3) A licensee may apply for certification for each approved procedure separately and may receive certification individually for each procedure based upon the above criteria applied individually for each approved procedure.”;

On page 11, section 6, line 13, after subsection (e) by inserting the following:

“(f) A certificate holder shall report any adverse outcomes related to surgical procedures performed under this article to the Board within ten business days. Such reports shall include the relevant patient records necessary to evaluate the incident, in accordance with applicable privacy laws.”;

And,

On page 11, section 7, line 10, by inserting the following:

“(c) A licensee may not perform a procedure on a pediatric patient. A licensee shall refer a pediatric patient to an ophthalmologist.”

Com. Sub. for S. B. 736, Relating to publication of registered lobbyist information; on second reading, coming up in regular order, was read a second time and ordered to third reading,

On motion of Delegate Pushkin, the amendment was ruled not germane.

Delegate Pushkin moves to amend the bill on page 1, by striking out the article heading and inserting the following:

**“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-2-12. Online reporting system.

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

(1) Allows persons to register as lobbyists;

(2) Allows lobbyists to electronically file any reports they are required to file under this chapter;

(3) Permits lobbyists to create a password-protected account through which lobbyists can save user information to be automatically populated into reports that the lobbyists files through the electronic system; and

(4) Includes a search function by which members of the public may 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 electronic lobbyists registration and reporting system.

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

ARTICLE 3. LOBBYISTS.

§6B-3-1. DEFINITIONS.

As used in this article, unless the context in which used 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, or employs or retains any other person in exchange for compensation or other consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, or their respective employees on behalf of the employer regarding any legislation, appropriation, permit, license, economic development or tax initiative, government contract, standard, rate, fee, or any delegated legislative or quasi-legislative action to be taken or withheld by any executive department, agency, or elective state official.

(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 non-ministerial functions. In the case of elected offices included ~~herein~~ in this article, 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 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 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 ~~\$450~~ \$1,000 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 more than twenty days or parts thereof during any regular session of the Legislature, are exempt.~~ The commission may ~~promulgate a legislative rule~~ propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code 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~~ considered 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.~~

(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 thirty 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, the following information:

(1) The registrant's name, business address, electronic contact information, 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~~ each of the registrant's ~~employer~~ employers;

(3) The compensation to be received for lobbying and the amount to be paid as reimbursements for expenses. Compensation and reimbursement shall be reported in the following categories unless reported as an exact amount:

(A) \$0 if no compensation or reimbursement is received;

(B) Less than \$10,000;

(C) At least \$10,000 but less than \$25,000;

(D) At least \$25,000 but less than \$50,000;

(E) At least \$50,000 but less than \$100,000; and

(F) More than \$100,000.

~~(3)~~ (4) 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)~~ (5) A statement ~~as to whether~~ that the registrant is not 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)~~ (6) 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)~~ (7) 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; and

(8) An attestation that the lobbyist has completed a training course provided under §6B-3-3c of this code.

(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~~ participate 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 ~~section two, article one, chapter five-f~~ §5F-1-2 of this code; and

(7) Heads of any state departments or agencies.

(f) All registered lobbyists shall be issued an identification badge by the Capitol Police, which shall depict an image of the lobbyist, the lobbyist's name, the lobbyist's registration number, and the expiration date of the lobbyist's registration. Lobbyists shall wear the identification badge at all times upon capitol grounds in a manner so as to be highly visible above the waist. "

And,

On page 1, line 9, at the end of section 3, following the period by inserting the following:

"§6B-3-3a. Registration fees.

(a) Each lobbyist shall, at the time he or she registers, pay the commission a base registration fee of ~~\$100~~ \$250, plus ~~\$100~~ \$250 for each employer represented, to be filed with the initial registration statement and with each new registration statement filed by the lobbyist in subsequent odd numbered years. Whenever a lobbyist modifies his or her registration to add additional employers, an additional registration fee of ~~\$100~~ \$250 for each additional employer represented shall be paid to the commission.

(b) All fees authorized and collected pursuant to this article shall be paid to the Ethics Commission and thereafter deposited pursuant to ~~section six, article one of this chapter~~ §6B-1-6 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~~ six times a year as follows:

(1) ~~On or before May 15, a lobbyist shall report all lobbying activities in which he or she engaged from January 1 through April 30. On or before February 15, a lobbyist shall report all lobbying activities in which he or she engaged from January 1 through January 31;~~

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

(3) On or before April 15, a lobbyist shall report all lobbying activities in which he or she engaged from March 1 through March 31;

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

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

(3) (6) 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 electronically filed or 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) ~~(4) 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. state:~~

(1) The totals of all expenditures for lobbying activities made or incurred by the lobbyist or on behalf of the lobbyist by the lobbyist's employer during the period covered by the report. Expenditure totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than \$25 for entertainment shall be identified by date, place, amount, and the names of all persons taking part in the entertainment, along with the dollar amount attributable to each person, including the lobbyist's portion;

(2) In the case of a lobbyist employed by more than one employer, the proportionate amount of expenditures in each category incurred on behalf of each of the lobbyist's employers;

(3) The subject matter of the proposed legislation or other legislative activity or rule making, and the state agency considering it, if any, which the lobbyist has been engaged in supporting or opposing during the reporting period; and

(4) The total expenditures paid or incurred during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist, for political advertising; public relations, telemarketing, polling, or similar activities if the activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule,

standard, or rate by an agency. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

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

~~(A)~~ (1) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

~~(B)~~ (2) Any expenses incurred for the lobbyist's own living accommodations;

~~(C)~~ (3) Any expenses incurred for the lobbyist's own travel to and from public meetings or hearings of the legislative and executive branches; or

~~(D)~~ (4) Any expenses incurred for telephone and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

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

~~(f)~~ (g) 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)~~ (h) 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)~~ (h) 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, ~~not a candidate for office~~, who has made expenditures, not required to be reported under other sections of this chapter, exceeding ~~\$5,000~~ \$7,500 in the aggregate within any three-month period or exceeding ~~\$1,000~~ \$2,500 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 required to register and report~~, as provided in subsection (2) 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~~ \$2,500 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: Advertising, segregated by media, and, in the case of large expenditures (as provided by legislative rule of the commission), by outlet; contributions; entertainment, including meals and beverages; 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; consultants; and 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~~ stating 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) A person required to register as a lobbyist under this article also has the following obligations, the violation of which constitutes cause for revocation of his or her registration and termination of his or her lobbying privileges and may subject the person, and the person's

employer, if 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~~ five 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) Knowingly represent an interest adverse to the lobbyist's employer without full disclosure of the adverse interest to the employer and obtaining the employer's written consent;

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

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

(G) Enter into any agreement, arrangement, or understanding in which any portion of the lobbyist's compensation is or will be contingent upon the lobbyist's success in influencing legislation;

~~(F)~~ (H) 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.

(b) A violation by a lobbyist of this section shall be cause for revocation of the lobbyist's registration and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

§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.

(b) A 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.

(c) A 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.

(d) For a second or subsequent offense under subsections (a) and (b) of this section, the Ethics Commission may impose a three-year ban against future lobbying.

§6B-3-11. Compliance audits.

(a) The commission shall initiate, by lottery, random audits of lobbyist registration statements and disclosure reports required to be filed under this chapter ~~on or after July 1, 2005: *Provided*, That the Commission may not conduct compliance audits pursuant to this section until it has proposed for promulgation and received final approval from the Legislature of a legislative rule in accordance with the provisions of chapter twenty-nine-a of this code setting forth, among other things, the manner in which the audit is to be conducted, the information, documents and materials to be considered during the audit, the selection and qualification of the Auditor(s), the audit procedures to be employed by the Auditors and the preparation and contents of any post audit reports.~~

(b) The commission ~~may~~ shall hold up to four lotteries per year. The number of lotteries held within a given year in excess of four will be ~~a matter within the Commission's discretion.~~

~~(c) The number of audits to be conducted will be~~ determined by the commission through resolutions adopted at public meetings and based on various factors, including the complexity, results and time required to complete the audits.

~~(d) (c)~~ No lobbyist ~~or lobbyist's employer~~ will be subject to a random audit more than once in any 24-month period.

§6B-3-12. Prohibition against campaign contributions from lobbyists.

(a) A lobbyist or a person acting on behalf of a lobbyist may not offer or provide political campaign contributions to or on behalf of any elected state or local official or candidate for a state or local elected office.

(b) An elected state or local official or candidate for a state or local office and any of their employees may not solicit or receive political campaign contributions from a lobbyist or a person acting on behalf of a lobbyist."

Delegate Phillips arose to inquire of the Chair regarding the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the bill.

On motion of Delegate Phillips, the amendment was adopted.

The Committee on Government Organization moved to amend the bill on page 1, section 6B-3-3, line 9, after the word “printable” by inserting the following text:

“and electronically searchable”

On motion of Delegate Hansen, the amendment was rejected.

Delegate Hansen moves to amend the bill on page 1, section 3, line 3, following the words “biographical description,” by inserting the following:

“a list of political committees as defined in §3-8-1a of the Code to which the lobbyist has made campaign contributions exceeding \$1,000 in the previous calendar year and the amount of those contributions,”;

And,

On page 1, Section 3, line 4 by striking out the words “not to exceed 50 words in length.”

Com. Sub. for S. B. 765, Establishing Troops-to-Teachers Program; on second reading, coming up in regular order, was read a second time and ordered to third reading,

On motion of Delegate Ridenour, the amendment was adopted.

Delegate Ridenour moves to amend the Committee Substitute for Committee Substitute for Senate Bill 765 on page 2, subsection 5, line 17, following the word “teachers” and before the semicolon by inserting the following sentence:

“Veterans will be given a veterans’ preference in hiring in accordance with §6-13-1 of this code”

Com. Sub. for S. B. 861, Updating references to reflect consolidation of Information Services and Communications Division into Office of Technology; on second reading, coming up in regular order, was read a second time and ordered to third reading,

S. B. 862, Repealing antiquated language related to Voluntary Gilding Dome Check-Off Program; on second reading, coming up in regular order, was read a second time and ordered to third reading,

And,

S. B. 863, Removing reference to Information Services and Communications Division; on second reading, coming up in regular order, was read a second time and ordered to third reading,

First Reading

Com. Sub. for S. B. 225, Expanding powers of National Park Service law-enforcement officers; on first reading, coming up in regular order, was read a first time and ordered to second reading,

Com. Sub. for S. B. 449, Permitting compressed air and rimfire shooting teams in public schools; on first reading, coming up in regular order, was read a first time and ordered to second reading,

Com. Sub. for S. B. 722, Creating WV Short Line Railroad Modernization Act; on first reading, coming up in regular order, was read a first time and ordered to second reading,

S. B. 734, Repealing section creating A. James Manchin Rehabilitation Environmental Action Plan; on first reading, coming up in regular order, was read a first time and ordered to second reading,

S. B. 738, Terminating Employee Suggestion Award Board; on first reading, coming up in regular order, was read a first time and ordered to second reading,

Com. Sub. for S. B. 746, Allowing State Board of Education to delegate its Medicaid provider status to public charter schools; on first reading, coming up in regular order, was read a first time and ordered to second reading,

Com. Sub. for S. B. 748, Creating Safer Communities Act; on first reading, coming up in regular order, was reported by the Clerk, on first 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 S. B. 844, Exempting non-native quail and partridge from game farm requirement if owned for agricultural purposes; on first reading, coming up in regular order, was read a first time and ordered to second reading,

S. B. 876, Terminating certain requirements for Tax Commissioner to submit reports, publish information, and provide notice; on first reading, coming up in regular order, was read a first time and ordered to second reading,

Com. Sub. for S. B. 904, Clarifying requirements for Commissioner of Bureau for Public Health; on first reading, coming up in regular order, was read a first time and ordered to second reading,

S. B. 907, Relating to high impact development projects; on first reading, coming up in regular order, was read a first time and ordered to second reading,

S. B. 939, Relating to testing for substance use disorder; on first reading, coming up in regular order, was read a first time and ordered to second reading,

H. B. 3356, Supplemental Appropriation - Education - Hope Scholarship; on first reading, coming up in regular order, was read a first time and ordered to second reading,

H. B. 3357, Supplemental Appropriation - Lottery Surplus - Hope Scholarship; on first reading, coming up in regular order, was read a first time and ordered to second reading,

H. B. 3360, Supplemental Appropriation - EDA Bridge Loan Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading,

And,

Com. Sub. for H. B. 3369, Supplemental Appropriation - Education - Enrollment & Safety; on first reading, coming up in regular order, was read a first time and ordered to second reading.

11:56 a.m., on motion of Delegate McGeehan, the House of Delegates recessed until 5:30 p.m.

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Evening Session

* * * * *

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

Committee Reports

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

Your Committee on Rules has had under consideration:

H. C. R. 41, Dedicating November 7th as Clergy Appreciation Day",

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. C. R. 41 - "Proclaiming November 7th to be designated annually as 'Clergy Appreciation Day' in West Virginia in tribute to those who, through their unwavering commitment to service and faith in God, strive to enrich the lives of the people in their congregations and communities,"

With the recommendation that the committee substitute be adopted.

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

Your Committee on Rules has had under consideration:

H. R. 13, Urging statewide efforts to promote C-peptide testing education and training initiatives among critical care and emergency healthcare providers in Memory of Michael Brandon Cochran,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 825, Permitting higher education institutions enter agreements with non-profit organizations for economic development and job creation,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for Com. Sub. for S. B. 474, Ending diversity, equity, and inclusion programs,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for Com. Sub. for S. B. 586, Relating to requirements for filling vacancies in certain elected federal, state, and county offices,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for Com. Sub. for S. B. 652, Expanding cardiac arrest provisions to be applicable to elementary schools,

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

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

Your Committee on Government Organization has had under consideration:

S. B. 747, Relating to Real Estate License Act,

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

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

Your Committee on Government Organization has had under consideration:

S. B. 75, Changing distribution of income from excess lottery fund,

And,

S. B. 856, Removing certain reporting requirements to Joint Committee on Government and Finance,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 790, Requiring quarterly reporting by certain water and wastewater utilities,

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

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

Your Committee on Education has had under consideration:

Com. Sub. for Com. Sub. for S. B. 154, Prohibiting sexual orientation instruction in public schools,

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

Delegate McGeehan moved that the second reference to the Committee on the Judiciary be dispensed with.

On this question, the yeas and nays were taken (**Roll No. 420**), and there were—yeas 74, nays 13, absent and not voting 13, with the nays and absent and not voting being as follows:

Nays: T. Clark, Fluharty, Garcia, Hamilton, Hansen, Heckert, Hornbuckle, Lewis, Pushkin, Shamblin, Sheedy, Williams, and Young.

Absent and Not Voting: Akers, Ferrell, Flanigan, Foggin, Kump, Linville, Martin, Roop, B. Smith, Steele, Toney, Vance, and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the reference of the bill (Com. Sub. for Com. Sub. for S. B. 154) to the Committee on the Judiciary was abrogated.

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

Your Committee on Education has had under consideration:

Com. Sub. for Com. Sub. for S. B. 158, Modifying eligibility requirements for serving as member of State Board of Education,

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

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 581, Relating to school attendance and student participation in 4-H activities,

S. B. 866, Requiring WV Board of Education to promulgate legislative rule in consultation with WV Board of Physical Therapy,

Com. Sub. for S. B. 911, Relating to adjunct teaching permits,

Com. Sub. for S. B. 912, Relating to student growth assessment program,

And,

Com. Sub. for S. B. 914, Relating to testing and attendance requirements for private, parochial, and church schools,

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

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

Your Committee on Finance has had under consideration:

H. B. 3349, Supplemental Appropriation - Medicaid,

H. B. 3352, Supplemental Appropriation - Human Services - Medicaid,

H. B. 3359, Supplemental Appropriation - EDA and Medicaid Net Zero,

H. B. 3371, Supplemental Appropriation - HLFC to OIG Net Zero,

And,

Com. Sub. for S. B. 800, Relating to insurance holding company systems,

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

Leaves of Absence

At the request of Delegate McGeehan, and by unanimous consent, leave of absence for the day was granted Delegate B. Smith.

Miscellaneous Business

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

- Vote explanation by Delegate G. Howell regarding Roll Nos. 400, 401, 402, 404, 405, and 407.

Delegate G. Howell noted to the Clerk, that he was absent when the vote was taken on Com. Sub. for S. B. 50, Com. Sub. for S. B. 500, S. B. 615, S. B. 712, Com. Sub. for S. B. 715, and S. B. 716, and had he been present he would have voted "Yea" thereon.

At 5:49 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, April 09, 2025.

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

SPECIAL CALENDAR

Wednesday, April 9, 2025

57th Day

11:00 A.M.

UNFINISHED BUSINESS

- H. R. 13 - Urging statewide efforts to promote C-peptide testing education and training initiatives among critical care and emergency healthcare providers in Memory of Michael Brandon Cochran
- Com. Sub. for H. C. R. 41 - Dedicating November 7th as "Clergy Appreciation Day"

THIRD READING

- Com. Sub. for S. B. 485 - Exempting West Virginia Secretary of State from competitive bidding process
- S. B. 496 - Removing reflexology and other energy-based work from definition of "massage therapy"
- Com. Sub. for S. B. 565 - Relating generally to practice of optometry
- Com. Sub. for S. B. 617 - Discouraging gang activity
- Com. Sub. for S. B. 736 - Relating to publication of registered lobbyist information
- Com. Sub. for S. B. 765 - Establishing Troops-to-Teachers Program
- Com. Sub. for S. B. 861 - Updating references to reflect consolidation of Information Services and Communications Division into Office of Technology
- S. B. 862 - Repealing antiquated language related to Voluntary Gilding Dome Check-Off Program
- S. B. 863 - Removing reference to Information Services and Communications Division

SECOND READING

- Com. Sub. for S. B. 225 - Expanding powers of National Park Service law-enforcement officers
- Com. Sub. for S. B. 449 - Permitting compressed air and rimfire shooting teams in public schools

Com. Sub. for S. B. 722 -	Creating WV Short Line Railroad Modernization Act
S. B. 734 -	Repealing section creating A. James Manchin Rehabilitation Environmental Action Plan
S. B. 738 -	Terminating Employee Suggestion Award Board
Com. Sub. for S. B. 746 -	Allowing State Board of Education to delegate its Medicaid provider status to public charter schools
Com. Sub. for S. B. 844 -	Exempting non-native quail and partridge from game farm requirement if owned for agricultural purposes
S. B. 876 -	Terminating certain requirements for Tax Commissioner to submit reports, publish information, and provide notice
Com. Sub. for S. B. 904 -	Clarifying requirements for Commissioner of Bureau for Public Health
S. B. 907 -	Relating to high impact development projects
S. B. 939 -	Relating to testing for substance use disorder
H. B. 3356 -	Supplemental Appropriation - Education - Hope Scholarship
H. B. 3357 -	Supplemental Appropriation - Lottery Surplus - Hope Scholarship
H. B. 3360 -	Supplemental Appropriation - EDA Bridge Loan Fund
Com. Sub. for H. B. 3369 -	Supplemental Appropriation - Education - Enrollment

FIRST READING

S. B. 75 -	Changing distribution of income from excess lottery fund
Com. Sub. for S. B. 154 -	Prohibiting sexual orientation instruction in public schools
Com. Sub. for S. B. 158 -	Modifying eligibility requirements for serving as member of State Board of Education
Com. Sub. for S. B. 474 -	Ending diversity, equity, and inclusion programs
Com. Sub. for S. B. 581 -	Relating to school attendance and student participation in 4-H activities
Com. Sub. for S. B. 586 -	Relating to requirements for filling vacancies in certain elected federal, state, and county offices
Com. Sub. for S. B. 652 -	Expanding cardiac arrest provisions to be applicable to elementary schools
S. B. 747 -	Relating to Real Estate License Act
Com. Sub. for S. B. 748 -	Creating Safer Communities Act

Com. Sub. for S. B. 790 -	Requiring quarterly reporting by certain water and wastewater utilities
Com. Sub. for S. B. 794 -	Authorizing DOH to erect warning signs
Com. Sub. for S. B. 800 -	Relating to insurance holding company systems
Com. Sub. for S. B. 825 -	Permitting higher education institutions enter agreements with non-profit organizations for economic development and job creation
S. B. 856 -	Removing certain reporting requirements to Joint Committee on Government and Finance
S. B. 866 -	Requiring WV Board of Education to promulgate legislative rule in consultation with WV Board of Physical Therapy
Com. Sub. for S. B. 911 -	Relating to adjunct teaching permits
Com. Sub. for S. B. 912 -	Relating to student growth assessment program
Com. Sub. for S. B. 914 -	Relating to testing and attendance requirements for private, parochial, and church schools
S. B. 940 -	Relating to Water Pollution Control Act
S. B. 941 -	Clarifying authority regarding dams designed by US Conservation Service
H. B. 3349 -	Supplemental Appropriation - Medicaid
H. B. 3352 -	Supplemental Appropriation - Human Services - Medicaid
H. B. 3359 -	Supplemental Appropriation - EDA and Medicaid Net Zero
H. B. 3371 -	Supplemental Appropriation - - HLFC to OIG Net Zero

HOUSE CALENDAR

Wednesday, April 9, 2025

57th Day

11:00 A.M.

UNFINISHED BUSINESS

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

THIRD READING

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 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

WEST VIRGINIA HOUSE OF DELEGATES

WEDNESDAY, APRIL 9, 2025

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON RULES

10:45 A.M. – SPEAKERS CONFERENCE ROOM 218M

COMMITTEE ON FINANCE

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

COMMITTEE ON JUDICIARY

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

COMMITTEE ON GOVERNMENT ORGANIZATION

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

COMMITTEE ON HEALTH AND HUMAN RESOURCES

3:30 P.M. – EAST WING COMMITTEE ROOM 215E

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