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October 8, 2024  
FOURTH DAY



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Tuesday, October 8, 2024

**FOURTH 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, October 7, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Householder announced that H. B. 209, H. B. 210 and H. B. 220, on Third Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 224 and H. B. 227, on Third Reading, Special Calendar, had been moved to the foot of bills.

**Committee Reports**

Unanimous consent was obtained for all bills on the committee reports be taken up for immediate consideration and read a second time.

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. 216**, Supplementing and amending appropriations to Office of Technology,

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

The bill was taken up for immediate consideration and read a second time.

An amendment recommended by the Committee on Finance was adopted, on page two, line thirteen, by striking out the number "10,900,000" and inserting in lieu thereof the number "9,300,000";

And,

On page two, line fifteen, following the words "(fund 2220)" and the period, by inserting the following: "From the above appropriation for Directed Transfer – Surplus (fund 0204, appropriation 70099), upon the transfer to the Office of Technology Fund (fund 2220), the Office of Technology shall utilize \$7,000,000 for the following purposes: (1) To design, architect, plan,

facilitate and carry out the transfer of resources and systems to off-site data centers; and (2) To design, architect, plan, facilitate and carry out the transition of outdated systems, environments and data structures to modern systems, environments and data structures.”

The bill was then ordered to engrossment and third reading.

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

On this question, the yeas and nays were taken (**Roll No. 889**), and there were—yeas 85, nays 9, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Hite, Kump, Longanacre, C. Pritt, Ridenour, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Thorne and Zatezalo.

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

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 890**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Longanacre and Ridenour.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 216) passed.

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

On this question, the yeas and nays were taken (**Roll No. 891**), and there were—yeas 95, nays none, absent and not voting 5, with the nays and the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 216) 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.

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. 229**, Supplementing and amending appropriations to Department of Economic Development, Office of the Secretary,

**H. B. 230**, Supplementing and amending appropriations State Department of Education,

**H. B. 231**, Making a supplementary appropriation School Building Authority, School Construction Fund,

And,

**H. B. 237**, Relating to personal income tax,

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

**H. B. 229**, Supplementing and amending appropriations to Department of Economic Development, Office of the Secretary; on second reading, was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

**H. B. 230**, Supplementing and amending appropriations State Department of Education; on second reading, was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

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

On this question, the yeas and nays were taken (**Roll No. 892**), and there were—yeas 87, nays 8, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Foster, Kump, Longanacre, Ridenour, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

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

The bill was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 893**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 230) passed.

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

On this question, the yeas and nays were taken (**Roll No. 894**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 230) 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. 231**, Making a supplementary appropriation School Building Authority, School Construction Fund; on second reading, was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

**H. B. 237**, Relating to personal income tax; on second reading, was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

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. 239**, Relating generally to the Municipal Bond Commission governance,

And,

**H. B. 241**, Relating generally to funding for certain broadband expansion programs administered by the Economic Development Authority,

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

**H. B. 239**, Relating generally to the Municipal Bond Commission governance; on second reading, was taken up for immediate consideration, read a second time.

Delegate Householder asked and obtained unanimous consent that H. B. 239 and H. B. 240 be advanced to third reading with the general right to amend.

Having been read a second time, **H. B. 239** was advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

**H. B. 241**, Relating generally to funding for certain broadband expansion programs administered by the Economic Development Authority, was read a second time, and advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

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. 238**, Supplementing and amending appropriations to the Department of Homeland Security, West Virginia State Police,

**H. B. 242**, Supplementing and amending appropriations to the Higher Education Policy Commission,

**H. B. 243**, Supplementing and amending appropriations to the West Virginia Council for Community and Technical College Education, New River Community and Technical College,

**H. B. 245**, Supplementing and amending appropriations to Office of Emergency Medical Services,

And,

**H. B. 246**, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2025 in the amount of \$15,000,000 from the Executive, Treasurer's Office, Unclaimed Property Fund,

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

**H. B. 238**, Supplementing and amending appropriations to the Department of Homeland Security, West Virginia State Police; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 242**, Supplementing and amending appropriations to the Higher Education Policy Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 243**, Supplementing and amending appropriations to the West Virginia Council for Community and Technical College Education, New River Community and Technical College; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 245**, Supplementing and amending appropriations to Office of Emergency Medical Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Householder moved to dispense with the constitutional rule requiring the bill (H. B. 245) to be fully and distinctly read on three different days.

The bill was read a third time.

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

On this question, the yeas and nays were taken (**Roll No. 895**), and there were—yeas 88, nays 7, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Kump, Longanacre, Ridenour, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

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

The bill was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 896**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 245) passed.

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

On this question, the yeas and nays were taken (**Roll No. 897**), 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: Cannon, DeVault, Fluharty, Foggin, Hardy and Thorne.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 245) 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. 246**, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2025 in the amount of \$15,000,000 from the Executive, Treasurer's Office, Unclaimed Property Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The being no objection, the House proceeded to consideration of bills on Third Reading.

### **Special Calendar**

#### **Third Reading**

**H. B. 212**, Supplementing and amending appropriations to the Higher Education Policy Commission, Administration, Control Account; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

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

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 898**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 212) passed.



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

On this question, the yeas and nays were taken (**Roll No. 899**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 212) takes effect from its passage.

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

In the absence of objection, the House proceeded to consideration of bills on Second Reading.

### **Second Reading**

**S. B. 2017**, Supplementing and amending appropriations to Division of Culture and History; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 2021**, Supplementing and amending appropriations to Division of Corrections and Rehabilitation, Correctional Units; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 900**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump and Vance.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

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

The bill was then read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 901**), 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: Cannon, DeVault, Fluharty, Hardy, Thorne and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2021) passed.

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

On this question, the yeas and nays were taken (**Roll No. 902**), 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: Cannon, DeVault, Fluharty, Hardy, Thorne 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. 2021) 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. 2022**, Supplementing and amending appropriations to Bureau of Juvenile Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 903**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Kump and Vance.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

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

The bill was then read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 904**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cannon, DeVault, Fluharty, Hardy and Thorne.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2022) passed.

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

On this question, the yeas and nays were taken (**Roll No. 905**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cannon, DeVault, Fluharty, Hardy and Thorne.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2022) 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. 2024**, Supplementary appropriation to Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 906**), and there were—yeas 89, nays 5, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Kump, Ridenour and Vance.

Absent and Not Voting: Bridges, Cannon, DeVault, Fluharty, Hardy and Thorne.

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

The bill was then read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 907**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 908**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2024) 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. 2029**, Supplementing and amending appropriations to Department of Economic Development, Office of Secretary; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 909**), and there were—yeas 74, nays 21, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Brooks, Butler, Coop-Gonzalez, Dean, Dillon, Foster, Gearheart, Hansen, Horst, Kimble, Kump, Longanacre, Martin, Phillips, C. Pritt, E. Pritt, Ridenour, Smith, Street, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

**S. B. 2031**, Supplementary appropriation to School Building Authority, School Construction Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 910**), and there were—yeas 66, nays 29, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, T. Clark, Dean, Dillon, Dittman, Foggin, Foster, Garcia, Gearheart, Griffith, Hamilton, Hansen, Hillenbrand, Hornbuckle, Horst, Kump, Lewis, Longanacre, C. Pritt, E. Pritt, Pushkin, Rowe, Sheedy, Stephens, Vance, Ward, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Thorne.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 2027** - "A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to allowing a public charter school to apply to the School Building Authority for funding for certain costs; and allowing the authority to approve the amount of funding it determines appropriate from monies appropriated to the authority for the benefit of public charter schools."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2027) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 911**), and there were—yeas 74, nays 22, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Dean, Dillon, Ferrell, Foggin, Garcia, Griffith, Hamilton, Hansen, Hillenbrand, Hornbuckle, Horst, Kump, Lewis, Pushkin, Rowe, Sheedy, Stephens, Vance, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty and Hardy.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

A message from the Senate, by

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

**S. B. 2028** - "A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931 as amended; to amend and reenact §30-7-15a of said code; and to amend and reenact §60A-9-4 of said code, all relating to permitting research activities; providing that opioid treatment program may be developed only if part of an approved clinical trial; providing opioid treatment program must have institutional review board approval; describing opioid treatment program to be developed; requiring opioid treatment program to be limited to the time frame set forth in the clinical trial; requiring the opioid treatment program to register with the Board of Pharmacy; permitting advanced practical registered nurse who is participating in clinical trial to dispense; requiring clinical trial to be registered with the Board of Pharmacy; permitting an advanced practice registered nurse who is participating in a clinical trial to exceed prescription limitations; and requiring clinical trial to be registered with the Board of Pharmacy."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2028) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 912**), and there were—yeas 80, nays 16, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Criss, Dillon, Foggin, Foster, Heckert, Kimble, Kump, Longanacre, Nestor, C. Pritt, Ridenour, Street, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty and Hardy.

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

The bill was read a second time.

Delegate Heckert moved to amend the bill on page 2, section 9, line 17, after the word, "developed" by inserting the words, "at one location";

And,

On page 2, section 9, line 18, by striking the semicolon inserting a colon and the following, "Provided, further That, this exemption may only be used one time for participation in one clinical trial. Upon selection of a participant in a clinical trial, the above provisions may not be used again.

And,

On page 2, section 15a, line 7, after the word, "trial" by inserting the words, "at one location for participation in only one clinical trial which is the same location and clinical trial as provided for in §60A-9-4. Upon selection of a participant in a clinical trial, the above provisions may not be used again.";

And,

On page 3, section 4, line 51, after the word, "trial" by inserting the words, "at one location for participation in only one clinical trial, which is the same location and clinical trial as provided for in §30-7-15a. Upon selection of a participant in a clinical trial, the above provisions may not be used again."

Delegate Akers moved to amend the amendment.

Whereupon,

In the absence of objection, with the amendment to the amendment not yet finalized in writing, the bill and all amendments were moved to the foot of all Senate Messages.

A message from the Senate, by

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

**S. B. 2033** - "A Bill to amend and reenact §11-21-4h of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-21-4i, all relating to personal income tax; modifying the effective date of future personal income tax reductions; providing for reduced graduated income tax rates; reducing the rate of tax on certain composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on lottery winnings; applying reduced rates beginning on and after January 1, 2025; providing for contingent additional future reductions in the personal income tax rates when certain criteria have been met; making technical corrections; and providing effective dates."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2033) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 913**), and there were—yeas 86, nays 6, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kump, Ridenour, Rowe, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Dittman, Fluharty, Foggin, Hardy, Lucas and Worrell.

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

The bill was read a second time.

Delegate Pushkin moved to amend the bill on page 4, Section 4h, by striking out lines 12 through 18 in their entirety and inserting in lieu thereof, the following:

<u>"Not over \$10,000</u>	<u>2.16% of the taxable income</u>
<u>Over \$10,000 but not over \$25,000</u>	<u>\$216 plus 2.87% of excess over \$10,000</u>
<u>Over \$25,000 but not over \$40,000</u>	<u>\$646.50 plus 3.23% of excess over \$25,000</u>
<u>Over \$40,000 but not over \$60,000</u>	<u>\$1,131 plus 4.3% of excess over \$40,000</u>
<u>Over \$60,000</u>	<u>\$1,991 plus 4.67% of excess over \$60,000"</u>

And,

On page 4, Section 4h, by striking out lines 25 through 30 in their entirety, and inserting in lieu thereof, the following:

<u>"Not over \$5,000</u>	<u>2.16% of the taxable income</u>
<u>Over \$5,000 but not over \$12,500</u>	<u>\$108 plus 2.87% of excess over \$5,000</u>
<u>Over \$12,500 but not over \$20,000</u>	<u>\$323.25 plus 3.23% of excess over \$12,500</u>
<u>Over \$20,000 but not over \$30,000</u>	<u>\$565.50 plus 4.3% of excess over \$20,000</u>
<u>Over \$30,000</u>	<u>\$995.50 plus 4.67% of excess over \$30,000"</u>

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

The yeas and nays having been ordered, they were taken (**Roll No. 914**), and there were—yeas 25, nays 71, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Yeas: Adkins, Bridges, Butler, Coop-Gonzalez, Dean, Dillon, Forsht, Foster, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Kimble, Kump, Lewis, Longanacre, Lucas, Martin, Pushkin, Ridenour, Rowe, Vance, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty and Hardy.

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

Delegate Pushkin moved to amend the bill on page 5, Section 4h, line 45, by striking out the period following the number "2024" inserting a colon, and the following proviso:

*"Provided, That the provisions of this section do not become effective until the Governor issues a proclamation authorizing implementation of this section, which is contingent on his or her certification that our state foster care system is successfully placing every child in its custody in a home setting within 30 days of the state being awarded custody, and is removing all children under its direct care and supervision from hotel rooms and other temporary locations within this 30 day time period."*

Delegate Criss arose to inquire regarding the germaneness of the amendment offered by Delegate Pushkin.

The Speaker ruled that the amendment was germane.

The question of the adoption of the amendment by Delegate Pushkin was put, and the amendment was rejected.

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

Following some debate on the bill, Delegate Longanacre moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 915**), and there were—yeas 63, nays 32, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Anderson, Campbell, Dean, Espinosa, Fast, Garcia, Griffith, Hamilton, Hansen, Holstein, Hornbuckle, Howell, Lewis, Linville, Maynor, Mazzocchi, Pinson, Pushkin, Rohrbach, Rowe, Shamblin, Statler, Summers, Toney, Tully, Ward, Williams, Winzenreid, Worrell, Young, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Warner.

So, a majority of the members present not having voted in the affirmative, the previous question was ordered.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 916**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Hamilton, Hansen, Hornbuckle, Pushkin, Rowe and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 2033) passed.

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

On this question, the yeas and nays were taken (**Roll No. 917**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Hansen.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and C. Pritt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2033) takes effect from its passage.

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



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

**S. B. 2034** - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2025, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2034) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 918**), and there were—yeas 89, nays 4, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Foster, Kump, Ridenour and Vance.

Absent and Not Voting: Cannon, DeVault, Dillon, Fluharty, Foggin, Hardy and Winzenreid.

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

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 919**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Winzenreid.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2034) passed.

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

On this question, the yeas and nays were taken (**Roll No. 920**), 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: Cannon, DeVault, Fluharty, Hardy, Hite and Winzenreid.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2034) takes effect from its passage.

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

A message from the Senate, by

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

**S. B. 2036** - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Higher Education Policy Commission, West Virginia University, General Administrative Fund, fund 0344, fiscal year 2025, organization 0463, to the Higher Education Policy Commission, Marshall University, General Administration Fund, fund 0348, fiscal year 2025, organization 0471, to the Higher Education Policy Commission, Concord University, fund 0357, fiscal year 2025, organization 0483, and to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2025, organization 0486, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2036) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 921**), and there were—yeas 85, nays 9, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Brooks, Coop-Gonzalez, Dillon, Foster, Kump, Longanacre, Ridenour, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Hite and Winzenreid.

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

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 922**), and there were—yeas 86, nays 9, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Bridges, Brooks, Coop-Gonzalez, Dillon, Foggin, Foster, Longanacre, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Ridenour.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2036) passed.

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

On this question, the yeas and nays were taken (**Roll No. 923**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Ridenour.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2036) takes effect from its passage.

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

A message from the Senate, by

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

**S. B. 2037** - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the West Virginia Council for Community and Technical College Education, New River Community and Technical College, fund 0600, fiscal year 2025, organization 0445, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2037) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 924**), and there were—yeas 86, nays 8, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Kump, Longanacre, Ridenour, Sheedy, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Griffith, Hardy and Willis.

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

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 925**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Kimble and Kump.

Absent and Not Voting: Cannon, DeVault, Fluharty, Griffith, Hardy and Willis.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2037) passed.

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

On this question, the yeas and nays were taken (**Roll No. 926**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kimble and Kump.

Absent and Not Voting: Cannon, DeVault, Fluharty, Griffith and Hardy.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2037) takes effect from its passage.

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

A message from the Senate, by

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

**S. B. 2038** - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2025 in the amount of \$15,000,000 from the Executive, Treasurer's Office, Unclaimed Property Fund, fund 1324, fiscal year 2025, organization 1300."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2038) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 927**), and there were—yeas 87, nays 8, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Kump, Longanacre, Ridenour, Street, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Griffith and Hardy.

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

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 928**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Ridenour, Street and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2038) passed.

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

On this question, the yeas and nays were taken (**Roll No. 929**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy and Longanacre.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2038) takes effect from its passage.

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

A message from the Senate, by

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

**S. B. 2039** - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2025, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2039) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 930**), and there were—yeas 80, nays 14, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Dillon, Foster, Gearheart, Kump, Marple, Martin, C. Pritt, Ridenour, Sheedy, Street, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Longanacre and Smith.

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

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 931**), and there were—yeas 78, nays 18, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, T. Clark, Coop-Gonzalez, Dillon, Fast, Foster, Gearheart, Horst, Kimble, Kump, Longanacre, C. Pritt, Ridenour, Sheedy, Street, Thorne, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty and Hardy.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2039) passed.

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

On this question, the yeas and nays were taken (**Roll No. 932**), and there were—yeas 83, nays 11, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Fast, Foster, Kimble, Kump, C. Pritt, Ridenour, Sheedy, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Longanacre and Warner.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2039) takes effect from its passage.

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

A message from the Senate, by

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

**S. B. 2042** - "A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §11B-1-2 of said code; to amend said code by adding thereto a new section, designated §12-6A-8; and to amend and reenact §13-3-2, §13-3-3, §13-3-6, §13-3-7, §13-3-9, and §13-3-12 of said code, all relating generally to the Municipal Bond Commission governance; designating the State Treasurer as chairman of the commission; requiring the chairman to appoint the chief administrative officer of the commission; requiring the State Treasurer to provide office space and staff to support the commission; increasing the per diem rate for members of the commission; allowing commission members to be reimbursed for reasonable expenses; requiring the commission to produce quarterly financial statements; requiring the commission to undergo an annual audit; providing for an exemption from state purchasing; permitting the commission to conduct business via video conferencing; authorizing the commission to enter into any existing contracts or agreements with financial institutions; removing obsolete language; and making technical corrections."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2042) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 933**), and there were—yeas 65, nays 31, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Butler, T. Clark, Coop-Gonzalez, Dean, Dillon, Fast, Foggin, Foster, Garcia, Gearheart, Hillenbrand, Hite, Horst, Householder, Jeffries, Jennings, Kimble, Kump, Longanacre, Marple, Martin, Phillips, C. Pritt, Ridenour, Sheedy, Street, Thorne, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty and Hardy.

So, four fifths of the members present not having voted in the affirmative, the motion was rejected.

At 2:02 p.m., on motion of Delegate Householder, the House of Delegates recessed until 4:30 p.m.

\* \* \* \* \*

### **Afternoon Session**

\* \* \* \* \*

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

### **Messages from the Executive**

### **And Other Communications**

The following communication was reported by the Clerk:

**PAUL ESPINOSA**  
107 HANCOCK COURT  
CHARLES TOWN, WV 25414  
(304) 340-3310 O.  
(304) 728-8139 H.

**SPEAKER PRO TEMPORE**  
BANKING AND INSURANCE  
FINANCE  
HOUSE RULES  
PENSIONS AND RETIREMENT  
TECHNOLOGY & INFRASTRUCTURE



BUILDING 1, ROOM 246M  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305-0470  
PAUL.ESPINOSA@WVHOUSE.GOV

**HOUSE OF DELEGATES**  
WEST VIRGINIA LEGISLATURE

October 8, 2024

The Honorable Roger Hanshaw  
Speaker of the House of Delegates  
West Virginia House of Delegates  
1900 Kanawha Blvd. E.  
Charleston, WV 25305

Dear Speaker Hanshaw:

I hereby resign my position as a member of the West Virginia House of Delegates representing the 98<sup>th</sup> District, effective immediately.

As you are aware I have been appointed to serve as a member of the West Virginia Racing Commission and it is with mixed emotions that I submit my resignation. It has been my honor to represent my district and the people of West Virginia in the West Virginia House of Delegates and to serve as a member of your leadership team. I look forward to continuing to serve the state in my new role.

Please extend my gratitude to the members and the staff of the House for the opportunity to serve with them over the last 12 years.

Warmest regards,

A handwritten signature in blue ink, appearing to read "Paul Espinosa".

Paul Espinosa  
Speaker Pro Tempore

cc: Steve Harrison, Clerk of the House  
Lee Cassis, Clerk of the Senate  
Missy Parsons, Boards and Commissions Administrator



There being no objections, the House of Delegates returned to the Third Order of Business.

### Committee Reports

Delegate Householder asked and obtained unanimous consent for all bills on committee reports to be read a second time.

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. 218**, Supplementing and amending appropriations to West Virginia Conservation Agency,

And,

**H. B. 232**, Supplementing and amending appropriations Department of Agriculture,

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

**H. B. 218** was read a second time, and ordered to engrossment and third reading.

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

On this question, the yeas and nays were taken (**Roll No. 934**), and there were—yeas 86, nays 3, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster and Ridenour.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Hornbuckle, Kump, Martin, Pinson, Vance and Westfall.

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 935**), and there were—yeas 89, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Hornbuckle, Kump, Martin, Pinson, E. Pritt and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 218) passed.

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

On this question, the yeas and nays were taken (**Roll No. 936**), and there were—yeas 89, nays none, absent and not voting 10, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Hornbuckle, Kump, Martin, Pinson, E. Pritt and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 218) 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. 232**, Supplementing and amending appropriations Department of Agriculture, was read a second time, and ordered to engrossment and third reading.

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:

**H. B. 244**, Placing a limited moratorium on new municipal fire fees imposed on non-municipal residents,

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

**H. B. 244** was read a second time, and ordered to engrossment and third reading.

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

On this question, the yeas and nays were taken (**Roll No. 937**), and there were—yeas 74, nays 15, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Bridges, T. Clark, Dillon, Garcia, Griffith, Hall, Hamilton, Hansen, Heckert, Hornbuckle, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson, E. Pritt, Vance and Westfall.

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

The bill was read a third time.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 938**), and there were—yeas 69, nays 22, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Bridges, T. Clark, W. Clark, Crouse, Dittman, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Lewis, Moore, Nestor, Phillips, Pushkin, Rowe, Sheedy, Tully, Vance, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 244) passed.

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

On this question, the yeas and nays were taken (**Roll No. 939**), and there were—yeas 79, nays 12, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dittman, Garcia, Griffith, Hamilton, Hansen, Lewis, Nestor, Phillips, Pushkin, Rowe, Vance and Williams.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 244) 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 the request of Delegate Householder, and by unanimous consent, the House returned to the calendar.

### **Special Calendar**

#### **Second Reading.**

-continued-

**S. B. 2032**, Supplementing and amending appropriations Department of Agriculture; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 940**), and there were—yeas 88, nays 2, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dillon and Foster.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson, Vance and Westfall.

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

The bill was read a third time.

Delegates Foggin, Anderson, Cooper, Hott, Linville, Longanacre, Statler, Street, Summers, Thorne, Tully and Ward requested to be excused from voting under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 941**), and there were—yeas 89, nays 2, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dillon and Warner.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2032) passed.

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

On this question, the yeas and nays were taken (**Roll No. 942**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2032) 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.

### Third Reading

-continued-

**H. B. 224**, Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority; on third reading, with the right to amend, was reported by the Clerk.

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

**H. B. 227**, Relating to a public charter school's application for funding; on third reading, with the right to amend, was reported by the Clerk.

Delegate Dillon moved to amend the bill on page 9, line 211, following the period at the end of the sentence by inserting the following new subsection:

"(p) The Local School Improvement Council ("LSIC") of any public school in this state may act independently of a local education authority, including but not limited to the county board, to submit an application for funding to address any deferred maintenance concerns of a school: *Provided*, That the deferred maintenance cost to bring the facility up to current as expressed in the Comprehensive Educational Facilities Plan exceeds 25% of the School Building Authority's estimated cost of replacement for the facility, and the LSIC finds that the local education authority has not taken sufficient action to address the facility needs of the school."

Delegate Toney arose to inquire regarding the germaneness of the amendment offered by Delegate Dillon.

The Speaker ruled that the amendment was not germane.

On motion of Delegates Ellington and E. Pritt, the bill was amended on page 9, subsection (o), line 209, by striking the entirety of the subsection and inserting in lieu thereof the following:

"(o) Notwithstanding the provisions of West Virginia Code §18-9D-15 or §18-9D-16, a public charter school may, in its name and sole discretion, submit application to the School Building Authority for funding for costs associated with the renovating, remodeling, purchase or construction of a building to be used for public charter school purposes and for the cost of the project, and the authority may, in its sole discretion, approve such amount of funding as it determines appropriate, in its sole discretion, for such project from monies appropriated to the authority for the benefit of public charter schools. In the event that a public charter school closes, and the public charter school used School Building Authority funding for its building, the building shall be returned to the authorizer, as defined in §18-5G-2 of this code, for purposes of ownership. If the building cannot be returned to the authorizer, the building shall be returned to the state. Additionally, if School Building Authority funds were used to improve an existing property, the School Building Authority is authorized to develop a formula to determine the monetary amount of improvements to be returned to either the authorizer or the state."

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 943**), and there were—yeas 62, nays 29, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Browning, Campbell, T. Clark, Cooper, Dean, Dillon, Dittman, Ferrell, Foggin, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Lewis, Miller, E. Pritt, Pushkin, Rohrbach, Rowe, Shamblin, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 227) passed.

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

On this question, the yeas and nays were taken (**Roll No. 944**), and there were—yeas 74, nays 17, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Adkins, Campbell, Dillon, Ferrell, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Stephens, Vance, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 227) 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.

### **Messages from the Senate**

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:

**H. B. 208**, Relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission.

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

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

#### **“ARTICLE 27. STORAGE AND DISPOSAL OF RADIOACTIVE WASTE MATERIALS.**

##### **§16-27-1. Definitions.**

[Repealed.]

##### **§16-27-2. Storage or disposal of radioactive waste material within the state prohibited; exceptions.**

[Repealed.]

##### **§16-27-3. Authority of director of health.**

[Repealed.]

##### **§16-27-4. Penalties.**

[Repealed].

#### **ARTICLE 27B. RADIATION CONTROL ACT.**

##### **§16-27B-1. Declaration of policy.**

It is the policy of the state in furtherance of its responsibility to protect the occupational and public health and safety and the environment:

(1) To institute and maintain a regulatory program for sources of ionizing radiation so as to provide for compatibility and equivalency with the standards and regulatory programs of the federal government, a single effective system of regulation within the state, and a system consonant insofar as possible with those of other states.

(2) To institute and maintain a program to permit development and use of sources of radiation for peaceful purposes consistent with the health and safety of the public.

(3) To provide for the availability of capacity outside the state for the disposal of low-level radioactive waste generated within the state except for waste generated as a result of defense or federal research and development activities and to recognize that such radioactive waste can be most safely and efficiently managed on a regional basis.

#### **§16-27B-2. Declaration of purpose.**

This article is enacted to provide:

(1) A program of effective regulation of sources of radiation for the protection of the occupational and public health and safety.

(2) A program to promote an orderly regulatory pattern within the state, among the states, and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of radiation to the end that duplication of regulation may be minimized.

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source and special nuclear materials, and radiation generating equipment.

(4) A program to permit use of sources of radiation consistent with the health and safety of the public.

#### **§16-27B-3. Definitions.**

As used in this article unless the context requires a different meaning:

(1) 'By-product material' means:

(A) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(B) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity;

(C) Any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity; and

(D) Any discrete source of naturally occurring radioactive material (NORM), other than source material that the United States Nuclear Regulatory Commission, in consultation with the

Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security including conversion to technologically enhanced naturally occurring radioactive material (TENORM) through extraction, or conversion after extraction, for use for a commercial, medical, or research activity.

(2) 'Civil penalty' means any monetary penalty levied on a licensee or registrant because of violations of statutes, regulations, licenses, or registration certificates, but does not include criminal penalties.

(3) 'Decommissioning' means final operational activities at a facility to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material, and to carry out any other activities to prepare the site for post-operational care.

(4) 'Department' means the West Virginia Department of Health.

(5) 'General license' means a license effective under rules promulgated by the department without the filing of an application with the department or the issuance of licensing documents to particular persons to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, radioactive material.

(6) 'High-level radioactive waste' means:

(A) Irradiated reactor fuel;

(B) Liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; or

(C) Solids into which such liquid wastes have been converted.

(7) 'Ionizing radiation' means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles.

(8) 'Licensing' means licensing with the department in accordance with rules and regulations adopted pursuant to this article.

(9) 'Low-level radioactive waste' means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material.

(10) 'Person' means any individual, corporation, LLC, partnership, firm, association, trust, estate, public or private institution, group, agency of this state, other than the Department of Health, political subdivision of this state, any other state or political subdivision or department thereof, and any legal successor, representative, agent, or department of the foregoing, but not including federal government agencies.

(11) 'Radiation' means ionizing radiation.



(12) 'Radiation emergency' means any situation, excluding events resulting from nuclear warfare, which involves the possibility of accidental release of ionizing radiation that may pose a threat to public health and safety or the environment.

(13) 'Radiation generating equipment' means any manufactured product or device, or component part of such a product or device, or any machine or system which during operation can generate or emit radiation except those which emit radiation only from radioactive material.

(14) 'Radioactive material' means any material (solid, liquid, or gas) which emits ionizing radiation spontaneously. It includes accelerator-produced, byproduct, naturally occurring, and source and special nuclear materials.

(15) 'Registration' means registration with the department in accordance with rules and regulations adopted pursuant to this article.

(16) 'Secretary' means the secretary of the West Virginia Department of Health or his or her designee.

(17) 'Source material' means uranium or thorium, or any combination thereof, in any physical or chemical form; or ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

(18) 'Sources of radiation' means, collectively, radioactive material and radiation generating equipment.

(19) 'Special nuclear material' means (i) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Nuclear Regulatory Commission or any successor thereto has determined to be such but does not include source material; or (ii) any material artificially enriched by any of the foregoing but not including source material.

(20) 'Specific license' means a license, issued to a named person upon application filed under the rules promulgated pursuant to this article, to use, manufacture, produce, transfer, receive, acquire, or possess quantities of, or devices utilizing, radioactive material.

(21) 'Spent nuclear fuel' means irradiated nuclear fuel that has undergone at least one year's decay since being used as a source of energy in a power reactor. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive material associated with fuel assemblies.

(22) 'Transuranic waste' means radioactive waste containing alpha emitting transuranic elements, with radioactive half-lives greater than five years, in excess of 10 nanocuries per gram.

#### **§16-27B-4. Exemption.**

The provisions of this article shall not apply to radioactive materials or facilities, including nuclear reactors, that are subject to exclusive licensing and regulation by the United States Nuclear Regulatory Commission.

#### **§16-27B-5. Department designated state radiation control agency; powers and duties.**

(a) The Department of Health is hereby designated as the state radiation control agency.

(b) The secretary shall designate the director of the state radiation control agency who shall perform the functions vested in the state radiation control agency under the provisions of this article.

(c) In accordance with the laws of the state, the state radiation control agency may employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to carry out the provisions of this article.

(d) The state radiation control agency, for the protection of the occupational and public health and safety, and the environment shall:

(1) Develop programs for evaluation and control of hazards associated with use of sources of radiation.

(2) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials.

(3) Develop programs with due regard for consistency with federal programs for regulation of radiation generating equipment.

(4) Formulate, adopt, promulgate, and repeal rules and regulations, which may provide for licensing and/or registration, relating to control of sources of radiation with due regard for compatibility with the regulatory programs of the federal government.

(5) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and other organizations concerned with the control of sources of radiation.

(6) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from public or private sources.

(7) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the control of sources of radiation.

(8) Collect and disseminate information relating to the control of sources of radiation, including:

(A) Establish and maintain a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(B) Establish and maintain a file of registrants possessing sources of radiation requiring registration under the provisions of this article and any administrative or judicial action pertaining thereto; and

(C) Establish and maintain a file of all agency rules related to regulation of sources of radiation, pending or promulgated, and proceedings thereon.

(9) Establish a database of registered and certified radiation producing devices, which shall include but not be limited to the name of the owner or operator and the location of the machine.

(10) Pursuant to its powers enumerated in §16-27B-6 of this code, provide for scheduled and random unannounced inspections of facilities that house radiation producing devices and radioactive sources and provide relevant services to ensure compliance with all applicable laws, rules, licenses, or conditions.

(11) Establish all necessary forms, including periodic radiation inspection reports.

(12) Develop programs for responding adequately to radiation emergencies and coordinate such programs with the emergency management agencies.

(13) Publish and make available a list of qualified physicists and vendors of radiation producing devices, radioactive supplies, and those qualified to perform work related to the same.

(14) Ensure compliance with all requirements under the Appalachian States Low-Level Radioactive Waste Compact pursuant to §29-1H-1 *et seq.* of this code and all federal laws.

(15) Promulgate all rules necessary under this article, in accordance with the provisions of §29A-3-1 *et seq.* of this code, related to (i) general or specific licenses necessary to use, store, dispose, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially, (ii) registration of the possession of a source of radiation and maintaining all related records, (iii) regulation of by-product, source and special nuclear material and (iv) compliance with Appalachian States Low-Level Radioactive Waste Compact pursuant to §29-1H-1 *et seq.* of this code and all federal laws.

(16) Issue such orders or modifications thereof as may be necessary in connection with proceedings under this article.

(e) The department is authorized to require by rule, regulation, or order, the keeping of such records with respect to activities under licenses and registration certificates issued under this article as may be necessary to effectuate the purpose of this article. These records shall be made available for inspection by, or copies thereof shall be submitted to, the department on request.

(f) The secretary shall establish fee schedules for licensures, registrations, inspections, and modifications thereto required pursuant to this article. All such fees collected shall be paid to the department for deposit in a special fund called the Radiation Licensure and Inspection Fund created pursuant to §16-27B-9 of this code.

(g) The secretary shall provide compensation, office space, staff, and office equipment as may be necessary to discharge the responsibilities imposed by this article.

#### **§16-27B-6. Licensing of radioactive material.**

(a) All radioactive material not under the authority of the United States Nuclear Regulatory Commission, and devices or equipment utilizing such material, shall be licensed by the department under the rules promulgated by the department. Rules promulgated under this article shall provide for recognition of other Agreement State or federal licenses.

(b) It shall be unlawful for any person to use, store, dispose, manufacture, produce, distribute, sell, transport, transfer, install, repair, receive, acquire, own, or possess any source of radiation unless licensed by or registered with the department in accordance with this article and with any rules promulgated by the department pursuant to this article. The disposal of radioactive waste material in a solid waste facility or in a commercial solid waste facility, as defined in §22-15-2 of this code, is prohibited.

(c) The department shall provide by rule or regulation for general or specific licensing of radioactive material or devices or equipment utilizing such material. Such rule or regulation shall provide for the amendment, suspension, or revocation of licenses.

(d) The department is authorized to require registration or licensing of other sources of radiation.

(e) The department is authorized to exempt certain sources of radiation or kinds of uses or users from the licensing or registering requirements set forth in this section when the department makes a finding that the exemption of such sources of radiation or kinds of use or users will not constitute a significant risk to public health and safety or the environment.

#### **§16-27B-7. Surety requirements.**

(a) For licensed activities the department may, establish by rule or regulation standards and procedures to ensure that the licensee will provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the department for the decontamination, closure, decommissioning and reclamation of sites, structures, and equipment used in conjunction with such licensed activity, in the event that the licensee should default for any reason in performing such requirements.

(b) All sureties or moneys made a part of any other financial arrangement required under subsection (a) which are forfeited shall be paid to the department for deposit in a special fund called the Radiation Site Closure and Reclamation Fund created pursuant to §16-27B-8 of this code.

(c) For licensed activities when radioactive material which will require surveillance or care is likely to remain at the site after the licensed activities cease, the department may, establish by rule or regulation standards and procedures to ensure that the licensee, before termination of the license, will make available such funding arrangements as may be necessary to provide for long-term site surveillance and care.

(d) All funds collected from licensees under subsection (c) shall be paid to the department for deposit in a special fund called Radiation Site Closure and Reclamation Fund created under §16-27B-8 of this code.

(e) The sureties or other financial arrangements and funds required by subsections (a) and (c) shall be established in amounts sufficient to ensure compliance with those standards, if any, established by the United States Nuclear Regulatory Commission pertaining to closure, decommissioning, reclamation, and long-term site surveillance and care of such facilities and sites.

(f) In order to provide for the proper care and surveillance of sites subject to subsection (c) of this section, the department may acquire by gift or transfer from another government agency or

private person any land and appurtenances necessary to fulfill the purposes of this section. Any such gift or transfer is subject to approval and acceptance by the department.

(g) The department may by contract, agreement, lease, or license with any person, including another state or federal agency, provide for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site subject to this section as needed to carry out the purposes of this section.

(h) All federal, state, local, or other governmental agencies, shall be exempt from the requirements of subsection (a) and (c).

#### **§16-27B-8. Radiation Site Closure and Reclamation Fund.**

(a) There is hereby created in the State Treasury a special revenue fund known as the Radiation Site Closure and Reclamation Fund. The fund shall be administered by and under the control of the Secretary of the Department of Health. Expenditures from the fund shall be solely for the purposes under this article of administration, acquisition, construction, decommission, decontamination, maintenance, surveillance, remediation, reclamation, closure, or other care on sites containing or associated with licensable radioactive material for the protection of public health and safety and the environment.

(b) The fund shall consist of moneys appropriated by the Legislature, moneys received from the federal government, moneys received from forfeited sureties, moneys received under §16-27B-7(a) or (d) of this code, and from private donations, grants, bequests, and all other moneys received from all sources for the purposes stated herein.

(c) Any funds remaining in the Fund at the end of the fiscal year shall not revert to the general revenue but shall remain in the fund solely for the purposes stated in this article.

(d) The moneys accrued in this fund, any earnings thereon, and yield from investments by the State Treasurer or West Virginia Investment Management Board are reserved solely and exclusively for the purposes set forth in this code section.

#### **§16-27B-9. Radiation Licensure and Inspection Fund.**

(a) There is hereby created in the State Treasury a special revenue fund known as the Radiation Licensure and Inspection Fund. The fund shall be administered by and under the control of the Secretary of the Department of Health. Expenditures from the fund shall be solely for the purposes under this article of administration, registration, licensing, and inspection of radioactive materials facilities and equipment for the protection of public health and safety and the environment.

(b) The fund shall consist of moneys appropriated by the Legislature, moneys received from the federal government, moneys received from licensing and registration fees, and from private donations, grants, bequests, and all other moneys received from all sources for the purposes stated herein. Moneys from forfeited sureties or which are part of other financial arrangements under §16-27B-7 of this code and any interest earned thereon shall not be deposited into this fund or used for normal operating expenses.

(c) Any funds remaining in the Fund at the end of the fiscal year shall not revert to the general revenue but shall remain in the fund solely for the purposes stated in this article.

(d) The moneys accrued in this fund, any earnings thereon, and yield from investments by the State Treasurer or West Virginia Investment Management Board are reserved solely and exclusively for the purposes set forth in this section.

**§16-27B-10. Impounding sources of ionizing radiation.**

The department is authorized, in the event of an emergency or under other circumstances constituting a hazard to public health and safety or the environment, to impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of this article, federal law, or any rules or regulations promulgated or issued thereunder.

**§16-27B-11. Authority of Governor to enter into agreements with federal government; effect on federal license.**

(a) The Governor is authorized to enter into agreements with the U.S. Nuclear Regulatory Commission under Section 274b of the Atomic Energy Act of 1954, as amended, providing for discontinuance of certain licensing and related regulatory authority of the U.S. Nuclear Regulatory Commission with respect to byproduct, source and special nuclear materials, and the assumption of regulatory authority therefore by this state.

(b) Any person who, on the effective date of an agreement under subsection (a) above, except those exempted under §16-27B-4 of this code, possesses a license issued by the U.S. Nuclear Regulatory Commission for radioactive materials subject to the agreement shall be deemed to possess a like license issued under this article, which shall expire either 90 days after receipt from the department of a notice of expiration of such license, or on the date of expiration specified in the U.S. Nuclear Regulatory Commission license, whichever is earlier.

**§16-27B-12. Authority of department to enter into agreements with federal government, other states or interstate agencies; training programs for personnel.**

(a) The department, with the prior approval of the Governor, is authorized to enter into an agreement or agreements with the federal government, other states or interstate agencies, whereby this state will perform, on a cooperative basis with the federal government, other states or interstate agencies, inspections or other functions relating to control of sources of ionizing radiation.

(b) The department, from funds provided by law, may institute programs for the purpose of training personnel to carry out the provisions of this article and, with the prior approval of the Governor, may make such personnel available for participation in any program or programs of the federal government, other states, or interstate agencies in furtherance of this article.

(c) The West Virginia Department of Environmental Protection (WVDEP) shall, upon request from the Secretary of the Department of Health, provide technical guidance and support to the department to implement sound and scientific principles for the program based upon the WVDEP's expertise in the coal, oil, and gas industries. The WVDEP shall also provide technical guidance and support to the department on issues related to air and water pollution generated from radiation sources regulated by the department.

**§16-27B-13. Effect upon local ordinances, etc.**

Ordinances, resolutions, or rules, now or hereafter in effect, of the governing body of a county, political subdivision, municipality, other state agencies, or other local government body relating to

by-product, source, and special nuclear materials shall not be superseded by this article, provided that such ordinances or rules are and continue to be consistent with the provisions of this article, amendments thereto and rules thereunder.

**§16-27B-14. Enforcement; civil penalties.**

(a) Any person who violates any licensing or registration provision of this article or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license or registration certificate issued thereunder or commits any violation for which a license or registration certificate may be revoked under rules or regulations issued under this article may be subject to a civil penalty, to be imposed by the department, not to exceed \$10,000. If any violation is a continuing one, each day of such violation shall constitute a separate and distinct violation for the purposes of computing the applicable civil penalty. The department shall have the power to compromise, mitigate, or remit such penalties.

(b) Whenever the department proposes to subject a person to the imposition of a civil penalty under the provisions of this section, it shall notify such person in writing;

(1) Setting forth the date, facts, and nature of each act or omission with which the person is charged;

(2) Specifically identifying the particular provision or provisions of the article, rule, regulation, order, license, or registration certificate involved in the violation; and

(3) Advising of each penalty which the department proposes to impose and its amount.

Such written notice shall be sent by registered or certified mail by the department to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the department shall by rule prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the department, if any, the penalty may be collected by civil action. Any person upon whom a civil penalty is imposed may appeal such action under §29A-1-1 *et seq.* of this code.

(c) The department, or upon the request of the department, the Attorney General, is authorized in the name of the state to institute a civil action to collect a penalty imposed pursuant to this section. The department, or upon the request of the department, the Attorney General, shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred for collection.

(d) All moneys collected from civil penalties shall be deposited in the Radiation Licensure and Inspection Fund created pursuant to §16-27B-9 of this code.

(e) In addition to the provisions of §16-27B-5 of this code, the department shall have the power to enter at all reasonable times, or in cases of an emergency, upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this article and rules issued thereunder, except that entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.

**§16-27B-15. Felony created; criminal penalties; injunctions; civil penalties; charges for violations.**

(a) Any person who willfully violates any of the provisions of the rules, regulations, or orders of the department or secretary or any provision under this article is guilty of a felony, and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$25,000, for each day of such violation, or imprisoned not less than one nor more than five years, or both fined and imprisoned. Upon a second or subsequent conviction, the person shall be guilty of a felony, and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$50,000 for each day of such violation, or imprisoned not less than two nor more than ten years, or both fined and imprisoned.

(b) Any person who violates or intends to violate, or fails, neglects, or refuses to obey any law, lawful rule, or order of the department or secretary or any provision of this article may be compelled in a proceeding instituted in an appropriate court by the department or secretary to obey such rule, order or provision of this article and to comply therewith by injunction, mandamus, or other appropriate remedy.

(c) Without limiting the remedies which may be obtained in subsection (b) of this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to subsection (b) shall be subject, in the discretion of the court, to a civil penalty not to exceed \$25,000 for each violation, which shall be paid to the Radiation Licensure and Inspection Fund created pursuant to §16-27B-8 of this code. Each day of violation shall constitute a separate and distinct offense.

(d) With the consent of any person who has violated or failed, neglected, or refused to obey any rule or order of the department or secretary or any provision of this article, the department or secretary may provide, in an order issued by the department or secretary against such person, for the payment of civil charges for past violations in specific sums, not to exceed the limits specified in §16-27B-14 of this code. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under §16-27B-14 of this code.

**§16-27B-16. Administrative procedure and judicial review.**

(a) In any proceeding for the denial of an application for license or for revocation, suspension, or modification or a license, the department shall provide to the applicant or licensee an opportunity for a hearing on the record.

(b) Whenever the department finds that an emergency exists requiring immediate action to protect the environment and the public health and safety, the department may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provision of this article, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the department shall be afforded a hearing within five business days. On the basis of such hearing, the emergency regulation or order shall be continued, modified, or revoked within 30 days after such hearing.

(c) Any final department action or order entered in any proceeding under subsections (a) or (b) of this section shall be subject to appeal to the Board of Review, set forth in §16B-2-2 of this



code, within 30 days after receipt of written notice of a final action or order. The provisions of §29A-5-1 et seq. of this code shall apply to such appeals.”

And,

By amending the title to read as follows:

**H. B. 208** – “A Bill to repeal §16-27-1, §16-27-2, §16-27-3, and §16-27-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-27B-1, §16-27B-2, §16-27B-3, §16-27B-4, §16-27B-5, §16-27B-6, §16-27B-7, §16-27B-8, §16-27B-9, §16-27B-10, §16-27B-11, §16-27B-12, §16-27B-13, §16-27B-14, §16-27B-15 and §16-27B-16, all relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission; establishing a comprehensive regulatory system for the control of sources of radiation for the protection of the public; creating the Radiation Control Act; providing for declaration of policy and purpose; providing for certain definitions; providing for exemptions; providing that the Department of Health is to be designated as the state radiation control agency; providing for the department’s duties, authorities, and requirements for consistency with federal law and regulations; providing for comprehensive programs and procedures to control radiation through general and specific licensing of radioactive materials and equipment; establishing rule making authority under the department concerning radiation control; establishing licensing and registration requirements and procedures; establishing fee schedules, funding sources, and forms; establishing procedures and requirements regarding radioactive materials and sureties; creating the Radiation Site Closure and Reclamation Fund with requirements and funding sources; creating the Radiation Licensure and Inspection Fund with requirements and funding sources; allowing for impounding sources of ionizing radiation; providing authority for the Governor and the department to enter into agreements with the federal government, other states, or interstate agencies; defining effects on local ordinances; defining enforcement procedures regarding violations of law; establishing civil penalties; establishing felonies with criminal penalties; providing for administrative procedures; and authorizing judicial review.”

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. 945**), and there were—yeas 84, nays 7, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Bridges, Dean, Dillon, Hansen, Longanacre, Ridenour and Vance.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 208) passed.

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

On this question, the yeas and nays were taken (**Roll No. 946**), and there were—yeas 86, nays 3, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Bridges, Dillon and Vance.

Absent and Not Voting: Cannon, DeVault, Fluharty, Garcia, Hardy, Kump, Longanacre, Martin, Pinson and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 208) takes effect from its passage.

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

A message from the Senate, by

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

**S. B. 2035** - "A Bill to amend and reenact §31-15-8, §31-15-8a, and §31-15-23a of the Code of West Virginia, 1931, as amended, all relating generally to funding for certain broadband expansion programs administered by the Economic Development Authority; permitting the authority to use certain moneys transferred to the Insurance Fund to finance the Broadband Loan Insurance Program; permitting the authority to use the Economic Development Project Fund to finance certain federally supported broadband expansion programs; and permitting the authority to transfer moneys from the authority's Economic Development Project Fund to the Insurance Fund to finance the Broadband Loan Insurance Program."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 2035) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 947**), and there were—yeas 85, nays 5, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster, Ridenour, Steele and Vance.

Absent and Not Voting: Cannon, DeVault, Fluharty, Garcia, Hardy, Kump, Martin, Pinson and Westfall.

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

The bill was read a second time.

On motion of Delegates Criss and Riley, the bill was amended on page four, section eight, line sixty-nine, following the word "subsection", by striking out the subsection designation "(b)" and inserting in lieu thereof the subsection designation "(d)";

On page seven, section eight-a, following line fifty-five, following subdivision (4), by inserting a new subdivision (5) to read as follows:

“(5) The authority may not award an amount of loan insurance exceeding \$50 million, in any single calendar year, to insure the debt or security instruments, or costs related thereto, of any one broadband provider.”;

On page ten, section eight-a, line one hundred thirty-five, following the words “reports and”, by striking out the word “biennial” and inserting in lieu thereof the word “annual”;

On page fourteen, section twenty-three-a, line sixty-five, following the word “million”, by striking out the word “dollars”;

And,

On page fourteen, section twenty-three-a, line seventy, following the word “million”, by striking out the word “dollars”.

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. 948**), and there were—yeas 88, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dillon, Foster and Steele.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 2035) passed.

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

**S. B. 2035** - “A Bill to amend and reenact §31-15-8, §31-15-8a, and §31-15-23a of the Code of West Virginia, 1931, as amended, all relating generally to funding for certain broadband expansion programs administered by the Economic Development Authority; permitting the authority to use certain moneys transferred to the Insurance Fund to finance the Broadband Loan Insurance Program; permitting the authority to use the Economic Development Project Fund to finance certain federally supported broadband expansion programs; permitting the authority to transfer moneys from the authority’s Economic Development Project Fund to the Insurance Fund to finance the Broadband Loan Insurance Program; and requiring certain annual audits by the Legislative Auditor.”

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

On this question, the yeas and nays were taken (**Roll No. 949**), and there were—yeas 89, nays 2, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Dillon and Steele.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2035) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and as follows:

**S. C. R. 202** - "Honoring Hershel "Woody" Williams as one of two West Virginia statues in the National Statuary Hall Collection.

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (S. C. R. 202) to a committee was dispensed with, and it was taken up for immediate consideration, and put upon its adoption.

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

The yeas and nays having been ordered, they were taken (**Roll No. 950**), and there were—yeas 91, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (S. C. R. 202) adopted.

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

At the request of Delegate Householder, and by unanimous consent, the House returned to further consideration of **S. B. 2029**, Supplementing and amending appropriations to Department of Economic Development, Office of Secretary.

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

On this question, the yeas and nays were taken (**Roll No. 951**), and there were—yeas 75, nays 15, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Butler, Coop-Gonzalez, Dillon, Foster, Gearheart, Griffith, Hamilton, Hansen, Hite, Horst, Kimble, Lewis, Pushkin, Ridenour and Williams.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Kump, Martin, Pinson, Vance and Westfall.

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

The bill was read a third time.

Delegate Foster arose to inquire of the Chair regarding whether the motion to suspend the constitutional rule had been in order.

The Speaker replied that on a motion that requires a greater threshold than majority for adoption, if the vote is carried by the requisite majority, it is tantamount to the motion for reconsideration.

### **Deputy Speaker Rohrbach in the Chair**

Delegate Garcia moved to postpone action on the bill indefinitely.

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

The yeas and nays having been ordered, they were taken (**Roll No. 952**), and there were—yeas 47, nays 40, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barnhart, Chiarelli, Cooper, Criss, Crouse, Dean, Dittman, Fehrenbacher, Foggin, Forsht, Heckert, Hornby, Hott, Householder, Howell, Jeffries, Jennings, Kelly, Linville, Lucas, Mallow, Marple, Maynor, Mazzocchi, Moore, Petitto, Phillips, C. Pritt, Rohrbach, Rowe, Statler, Summers, Toney, Tully, Williams, Winzenreid, Worrell, Young and Zatezalo.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Horst, Kump, Martin, Pinson, Smith, Warner, Westfall and Hanshaw (Mr. Speaker).

So, a majority of the members present having voted in the affirmative, the motion prevailed and the bill was postponed indefinitely.

Delegate Householder asked and obtained unanimous consent to return to further consideration of **S. B. 2031**, Supplementary appropriation to School Building Authority, School Construction Fund.

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

On this question, the yeas and nays were taken (**Roll No. 953**), and there were—yeas 73, nays 13, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Adkins, Dillon, Garcia, Gearheart, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Bridges, Cannon, DeVault, Fluharty, Hardy, Horst, Kump, Martin, Pinson, E. Pritt, Vance, Westfall and Hanshaw (Mr. Speaker).

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

The bill was read a third time.

### **Speaker Hanshaw in the Chair**

On the question of passage of the bill, the yeas and nays were taken (**Roll No. 954**), and there were—yeas 62, nays 28, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Browning, Campbell, T. Clark, Dean, Dillon, Dittman, Ferrell, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Lewis, Miller, E. Pritt, Pushkin, Rohrbach, Rowe, Shamblin, Sheedy, Stephens, Toney, Vance, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Horst, Kump, Martin, Pinson and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2031) passed.

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

On this question, the yeas and nays were taken (**Roll No. 955**), and there were—yeas 68, nays 22, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Adkins, Bridges, Browning, Campbell, T. Clark, Dean, Dillon, Ferrell, Garcia, Griffith, Hall, Hamilton, Hansen, Hornbuckle, Lewis, E. Pritt, Pushkin, Rowe, Stephens, Vance, Williams and Young.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Horst, Kump, Martin, Pinson and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2031) takes effect from its passage.

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

### **Messages from the Senate**

Having been read a first and second time, and subsequently moved to the foot of all Senate Messages in earlier proceedings, the House returned to consideration of **S. B. 2028**, Permitting development of opioid treatment program if part of clinical trial and approved by institutional review board.

On motion of Delegates Akers and Winzenreid, the amendment offered by Delegate Heckert, was amended, by striking everything and inserting in lieu thereof the following:

On page 2, section 9, line 18, by striking the semicolon inserting a colon and the following, "Provided, further That, this exemption only permits one program to participate once in CTN-0131;"

And,

On page 2, section 15a, line 7, by striking the period inserting a colon and the following: ““Provided, further That, this exemption only permits one program to participate once in CTN-0102-XR, which is also the same program as provided for in §60A-9-4.”;

And,

On page 4, section 4, line 52, by striking the period inserting a colon and the following: ““Provided, further That, this exemption only permits one program to participate once in CTN-0102-XR, which is also the same program as provided for in §30-7-15a.”

The amendment offered by Delegate Heckert, as amended, was then adopted.

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

The question being on the passage of the bill, as amended, the yeas and nays were taken (**Roll No. 956**), and there were—yeas 50, nays 40, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Browning, Butler, Campbell, Cooper, Coop-Gonzalez, Criss, Dean, Dillon, Dittman, Fast, Ferrell, Foggin, Gearheart, Green, Heckert, Hillenbrand, Hite, Hott, Jeffries, Kelly, Kimble, Longanacre, Mazzocchi, McGeehan, Miller, Moore, Nestor, Phillips, C. Pritt, Ridenour, Shamblin, Sheedy, Steele, Street, Thorne, Toney, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Horst, Kump, Martin, Pinson and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 2028) passed.

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

**S. B. 2028** - “A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931 as amended; to amend and reenact §30-7-15a of said code; and to amend and reenact §60A-9-4 of said code, all relating to permitting research activities; providing that opioid treatment program may be developed only if part of an approved clinical trial; providing opioid treatment program must have institutional review board approval; describing opioid treatment program to be developed; requiring the opioid treatment program to register with the Board of Pharmacy; specifying the permitted clinical trial; permitting an advanced practice registered nurse who is participating in clinical trial to dispense; limiting the exemption to a one time use; permitting an advanced practice registered nurse who is participating in a clinical trial to exceed prescription limitations; and requiring clinical trial to be registered with the Board of Pharmacy.”

**Note:** Other amendments filed but not reported are considered withdrawn.

Delegate Householder moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 957**), and there were—yeas 63, nays 26, absent and not voting 10, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Campbell, Coop-Gonzalez, Dean, Dillon, Fast, Ferrell, Foggin, Gearheart, Heckert, Hott, Kelly, Kimble, Longanacre, Mazzocchi, McGeehan, Moore, Nestor, C. Pritt, Ridenour, Steele, Street, Thorne, Vance and Ward.

Absent and Not Voting: Cannon, DeVault, Fluharty, Hardy, Horst, Kump, Martin, Pinson, Warner and Westfall.

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

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

At 8:08 p.m., on motion of Delegate Householder, the House of Delegates recessed until 8:25 p.m.

\* \* \* \* \*

### Evening Session

\* \* \* \* \*

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

### Messages from the Senate

A message from the Senate, by

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

**S. B. 2028**, Permitting development of opioid treatment program if part of clinical trial and approved by institutional review board.

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

On this question, the yeas and nays were taken (**Roll No. 958**), and there were—yeas 68, nays 18, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Adkins, Brooks, Browning, Coop-Gonzalez, Dillon, Fast, Heckert, Jeffries, Kimble, Longanacre, Miller, Nestor, Ridenour, Street, Thorne, Vance, Ward and Zatezalo.

Absent and Not Voting: Cannon, DeVault, Ferrell, Fluharty, Foster, Gearheart, Hardy, Horst, Kump, Martin, Pinson, Westfall and Winzenreid.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2028) 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.

### Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were Cannon, DeVault, Hardy and Fluharty.



### Miscellaneous Business

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be added as a cosponsor of the following:

**H. C. R. 203:** Delegate Butler.

Delegate Householder moved that the House of Delegates adjourn *sine die*.

**Note:** House Rule 68 provides that, Messages and reports received by the Clerk after *sine die* adjournment which do not require actions by the House, shall be considered received by the House and filed with the Clerk and shall be recorded in the Journal.

### Messages from the Senate

Messages were received notifying the House that the Senate had assembled in extraordinary session on September 30, 2024, and adjourned *sine die* on October 8, 2024.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 211**, Supplementing and amending appropriations to the Executive, Governor's Office, Civil Contingent Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 212**, Supplementing and amending appropriations to the Higher Education Policy Commission, Administration, Control Account.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 213**, Supplementing and amending appropriations to the Department of Economic Development, Office of the Secretary.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 214**, Supplementing and amending appropriations to the Department of Health, Office of the Inspector General.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 215**, Supplementing and amending appropriations to Division of Environmental Protection.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 216**, Supplementing and amending appropriations to Office of Technology.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 218**, Supplementing and amending appropriations to West Virginia Conservation Agency.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 219**, Supplementing and amending appropriations to the Department of Administration, Public Defender Services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 226**, Providing for a child and dependent care credit against the personal income tax.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 227**, Relating to a public charter school's application for funding.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 230**, Supplementing and amending appropriations State Department of Education.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 244**, Placing a limited moratorium on new municipal fire fees imposed on non-municipal residents.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates as follows:

**H. B. 245**, Supplementing and amending appropriations to Office of Emergency Medical Services.

A message from the Senate, by

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

**S. B. 2010**, Supplementing and amending appropriations to Governor's Office, Civil Contingent Fund.

### **Messages from the Executive and Other Communications**

Communications from the Clerks' offices of each house to His Excellency, the Governor, advised that the following enrolled bills were presented to him on the dates listed below:

#### **October 9, 2024**

**S. B. 2009**, Supplementing and amending appropriations to Public Employees Insurance Agency,

**S. B. 2010**, Supplementing and amending appropriations to Governor's Office, Civil Contingent Fund,

**S. B. 2020**, Supplementing and amending appropriations to WV School of Osteopathic Medicine,

**S. B. 2021**, Supplementing and amending appropriations to Division of Corrections and Rehabilitation, Correctional Units,

**S. B. 2022**, Supplementing and amending appropriations to Bureau of Juvenile Services,

**S. B. 2024**, Supplementary appropriation to Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority,

**S. B. 2031**, Supplementary appropriation to School Building Authority, School Construction Fund,

**S. B. 2032**, Supplementing and amending appropriations Department of Agriculture,

**S. B. 2034**, Supplementing and amending appropriations to Department of Homeland Security, WV State Police,

**S. B. 2036**, Supplementing and amending appropriations to Higher Education Policy Commission,

**S. B. 2037**, Supplementing and amending appropriations to New River Community and Technical College,

**S. B. 2038**, Expiring funds from Treasurer's Office, Unclaimed Property Fund,

And,

**S. B. 2039**, Supplementing and amending appropriations to Governor's Office, Civil Contingent Fund.

**October 10, 2024**

**H. B. 205**, Supplementing and amending appropriations Adjutant General, State Militia,

**H. B. 211**, Supplementing and amending appropriations to the Executive, Governor's Office, Civil Contingent Fund,

**H. B. 212**, Supplementing and amending appropriations to the Higher Education Policy Commission, Administration, Control Account,

**H. B. 213**, Supplementing and amending appropriations to the Department of Economic Development, Office of the Secretary,

**H. B. 214**, Supplementing and amending appropriations to the Department of Health, Office of the Inspector General,

**H. B. 215**, Supplementing and amending appropriations to Division of Environmental Protection,

**H. B. 216**, Supplementing and amending appropriations to Office of Technology,

**H. B. 218**, Supplementing and amending appropriations to West Virginia Conservation Agency,

**H. B. 219**, Supplementing and amending appropriations to the Department of Administration, Public Defender Services,

**H. B. 230**, Supplementing and amending appropriations State Department of Education,

And,

**H. B. 245**, Supplementing and amending appropriations to Office of Emergency Medical Services.

**October 11, 2024**

**S. B. 2033**, Relating to personal income tax,

And,

**S. B. 2035**, Providing funding for certain broadband expansion programs administered by Economic Development Authority.

**October 15, 2024**

**H. B. 208**, Relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission,

**H. B. 226**, Providing for a child and dependent care credit against the personal income tax,

**H. B. 227**, Relating to a public charter school's application for funding,

**H. B. 244**, Placing a limited moratorium on new municipal fire fees imposed on non-municipal residents,

And,

**S. B. 2028**, Permitting development of opioid treatment program if part of clinical trial and approved by institutional review board.

### **Messages from the Executive**

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on October 10, 2024, he approved **H. B. 201, H. B. 202, H. B. 203, H. B. 204, H. B. 205, H. B. 206, H. B. 207, H. B. 211, H. B. 212, H. B. 213, H. B. 214, H. B. 215, H. B. 216, H. B. 218, H. B. 219, H. B. 230, H. B. 245, S. B. 2009, S. B. 2010, S. B. 2020, S. B. 2021, S. B. 2022, S. B. 2024, S. B. 2031, S. B. 2032, S. B. 2034, S. B. 2036, S. B. 2037, S. B. 2038 and S. B. 2039**; and on October 16, 2024, he approved **H. B. 208, H. B. 226, H. B. 227, H. B. 244, S. B. 2028, S. B. 2033 and S. B. 2035**.

At 9:30 p.m., the House of Delegates adjourned *sine die*.

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*We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Extraordinary Session, 2024, is the Official Journal of the House of Delegates for said session.*

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Roger Hanshaw  
*Speaker of the House of Delegates*

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Stephen J. Harrison  
*Clerk of the House of Delegates*

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





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