

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2026
TENTH DAY

Charleston, West Virginia, Friday, January 23, 2026

The Senate met at 10:05 a.m.

(Senator Smith, Mr. President, in the Chair.)

Prayer was offered by the Honorable Joey Garcia, a senator from the thirteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ben Queen, a senator from the twelfth district.

Pending the reading of the Journal of Thursday, January 22, 2026,

At the request of Senator Weld, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the fourth order of business.

Senator Willis, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 4, Relating to crimes against public justice.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 4 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §61-5-30, relating to crimes against the public justice; defining terms; creating a barrier around first responders; and creating criminal penalties.

And,

Senate Bill 84, Prohibiting law enforcement from placing surveillance cameras on private property.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 84 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §62-1A-12, prohibiting installation of a surveillance camera on private land by law enforcement without either property owner consent or a valid search warrant; providing exceptions to prohibition on use of surveillance camera on private land; and defining terms.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Thomas E. Willis II,
Chair.

Senator Morris, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 146, Uniform Unlawful Restriction in Land Records Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert L. Morris, Jr.,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 388, Requiring public elementary or secondary school make Aitken Bible available to certain classrooms.

And,

Senate Bill 445, Adding Potomac State College as eligible institution for participation in Learn and Earn Program.

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

Respectfully submitted,

Amy N. Grady,
Chair.

Senator Morris, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 390, Enhancing Flood Resiliency Disbursements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 390 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-31-11 of the Code of West Virginia, 1931, as amended, relating to altering conditions for disbursing funds from the West Virginia Flood Resiliency Trust Fund to better enhance flood prevention, safety, and protection.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Robert L. Morris, Jr.,
Chair.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 400, Relating to updating personal income tax definitions.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 400 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jason Barrett,
Chair.

Senator Morris, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 443, Granting municipal fire marshals authority to assist in lawful execution of law-enforcement officer's official duties.

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

Respectfully submitted,

Robert L. Morris, Jr.,
Chair.

Senator Morris, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 481, Changing term "precinct" to "polling location".

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 481 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §3-1-5 and §3-1-29 of the Code of West Virginia, 1931, as amended, relating to elections; requiring precincts to be reported independently; and amending definitions by changing "precinct" to "polling location".

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert L. Morris, Jr.,
Chair.

The bill (Com. Sub. for S. B. 481), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Helton, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 518, Relating to cost-sharing requirements for breast examinations.

And,

Senate Bill 524, Relating to monthly status meetings of county entities.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Brian Helton,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Helton, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 544, Relating to temporary payment to kinship parent of subsidy equal to that of foster parent.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 544 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §49-2-815, relating to the temporary increase in subsidy payment to a kinship parent; requiring background check; requiring home screening; requiring Department of Human Services to provide a list of child-placing agencies; setting forth time frames; and providing authority for department to conduct background check.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Brian Helton,
Chair.

The bill (Com. Sub. for S. B. 544), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senators Smith (Mr. President) and Woelfel (By Request of the Executive):

Senate Bill 585—A Bill to amend and reenact §15-2-5, §18A-4-2, and §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases.

Referred to the Committee on Finance.

By Senator Martin:

Senate Bill 586—A Bill to amend and reenact §16-1-4 and §16-1-9a of the Code of West Virginia, 1931, as amended, relating to the regulation of public water systems; creating two classifications of backflow prevention assemblies; providing that the Secretary of the Department of Health may not require low-hazard backflow prevention assemblies to be inspected more

frequently than once in three years; and providing that high-hazard backflow prevention assemblies shall be inspected annually.

Referred to the Committee on Energy, Industry, and Mining.

By Senators Clements, Chapman, Charnock, Deeds, Grady, Hamilton, Helton, Phillips, Takubo, Tarr, and Thorne:

Senate Bill 587—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to adjusting the salary schedules for elected county officials.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Azinger:

Senate Bill 588—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to payment of taxes by co-owner or others.

Referred to the Committee on the Judiciary.

By Senator Helton:

Senate Bill 589—A Bill to amend and reenact §16-59-1, §16-62-1, and §16-62-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §16-59-1a, relating to recovery residences; setting forth legislative findings; reorganizing definitions section; and correcting internal citations in other sections of code referencing the definitions section.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 590—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §61-8A-2a, relating to obscene material; and making it a criminal offense for a person to engage in an adult cabaret performance where it may be viewed by a minor.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 591—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-2-47, relating to the teaching of divisive acts and critical race theory in West Virginia schools; providing definitions; prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not re-employed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

Referred to the Committee on Education.

By Senators Thorne, Charnock, Clements, Grady, Helton, Jeffries, Morris, Roberts, Rose, and Woodrum:

Senate Bill 592—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-

13NN-6, §11-13NN-7, and §11-13NN-8, relating to creating the West Virginia Short Line Railroad Modernization Act; defining terms; setting out the amount of the tax credit; setting limitations on the credit; providing for requirements to claim the credit; setting out uses of the credit; providing for carryover of the credit; allowing the transfer of the credit; providing for review and accountability; and setting a sunset date.

Referred to the Committee on Finance.

By Senator Chapman:

Senate Bill 593—A Bill to amend and reenact §2-2-1 of the Code of West Virginia, 1931, as amended, relating to designating September 11 of each year as the legal holiday of Patriot Day.

Referred to the Committee on Finance.

By Senator Chapman:

Senate Bill 594—A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to creating an exemption for disabled veterans from vehicle sales tax; setting forth qualifications; providing rule-making authority; providing an effective date; and providing an expiration date.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senator Chapman:

Senate Bill 595—A Bill to amend and reenact §48-9-207 of the Code of West Virginia, 1931, as amended, relating to decision-making responsibility of custodial parents; and providing that non-emergency and non-life-threatening medical procedures on behalf of the child may only be permitted after both parents agree.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 596—A Bill to amend and reenact §11-22-1 of the Code of West Virginia, 1931, as amended, relating to exemptions from excise taxes; adding an exemption for transfers between siblings; and adding an exemption for transfers with a solely owned limited liability company.

Referred to the Committee on Finance.

By Senator Chapman:

Senate Bill 597—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to changing the current reimbursement formula of state funds to residential child care facilities from an attendance model to an enrollment model.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senator Azinger:

Senate Bill 598—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §5A-4-7, relating to General Services Division; and replacing the statue of the Honorable Robert C. Byrd with a statue of George Washington, Abraham Lincoln, James Madison, and Arthur I. Boreman, one each, placed in a corner of the rotunda of the Capitol.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Rucker:

Senate Bill 599—A Bill to amend and reenact §16-2R-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding two new sections, designated §16-2R-10 and §16-2R-11, relating to the prohibiting of abortifacients; defining terms; creating criminal penalties; providing for revocation of medical license in certain circumstances; creating civil cause of action; providing exceptions to applicability; creating severability; requiring informed consent in instances when an exception to the prohibition against abortion exists; setting forth requirements for informed consent; requiring the Department of Health to publish information in paper form on its webpage; and requiring the Department of Health to staff a hotline.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

Senators Hamilton and Morris offered the following resolution:

Senate Resolution 14—Recognizing James and Lucille Pennington for their outstanding work in West Virginia logging operations and being the recipients of the 2025 West Virginia Logger of the Year award.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 12, Recognizing January as Human Trafficking Awareness month.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Chapman, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 13, Designating January 23, 2026, as Dental Hygienists Day at Capitol.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, M. Maynard, Z. Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Taylor—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 13) adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 15, Protecting coal and gas minerals from carbon capture practices.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, M. Maynard, Z. Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Taylor—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 15) passed.

On motion of Senator Rose, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 15—A Bill to amend and reenact §22-11B-4 of the Code of West Virginia, 1931, as amended, relating to strengthening protections for coal and oil and natural gas interests affected by carbon capture and underground carbon storage projects; modifying permit application approval and issuance criteria; authorizing objections to be filed regarding certain application criteria; and requiring certain response to objection by permit applicant.

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

Eng. Senate Bill 66, Modifying classes of state of preparedness declared by Governor or Legislature.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 66 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, M. Maynard, Z. Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Taylor—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 66) passed with its title.

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

Eng. Com. Sub. for Senate Bill 137, Modifying parole eligibility for crime of second degree murder and voluntary manslaughter.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 137 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, M. Maynard, Z. Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—30.

The nays were: Garcia and Woelfel—2.

Absent: Taylor—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 137) passed with its title.

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

Eng. Com. Sub. for Senate Bill 207, Clarifying sheriff's compensation for collection of taxes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, M. Maynard, Z. Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Taylor—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 207) passed with its title.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 55, Establishing criminal offense for obstructing or hindering home incarceration supervisor or social services worker.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 281, Authorizing Department of Homeland Security to promulgate legislative rules.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 309, Authorizing DOT to promulgate legislative rules.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips, M. Maynard, and Rose.

Thereafter, at the request of Senator Rose, and by unanimous consent, the remarks by Senator Phillips were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 22, 2026:

Senate Bill 472: Senator Takubo;

Senate Bill 521: Senator Tarr;

Senate Bill 523: Senator Tarr;

Senate Bill 524: Senator Tarr;

Senate Bill 525: Senator Tarr;

Senate Bill 527: Senator Tarr;

Senate Bill 529: Senator Tarr;

Senate Bill 538: Senator Tarr;

Senate Bill 539: Senator Tarr;

Senate Bill 540: Senator Tarr;

Senate Bill 541: Senator Tarr;

Senate Bill 542: Senator Tarr;

Senate Bill 543: Senator Tarr;

Senate Bill 544: Senator Tarr;

Senate Bill 545: Senator Tarr;

And,

Senate Bill 546: Senator Tarr.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 22, 2026:

Senate Bill 1: Senator Z. Maynard;

Senate Bill 47: Senator Helton;

Senate Bill 86: Senator Hamilton;

Senate Bill 98: Senator Woelfel;

Senate Bill 146: Senator Hamilton;

Senate Bill 173: Senator Helton;

Senate Bill 194: Senator Woelfel;

Senate Bill 388: Senators Hart, Roberts, Bartlett, and Tarr;

Senate Bill 427: Senator Hamilton;

Senate Bill 439: Senator Phillips;

Senate Bill 432: Senator Woelfel;

Senate Bill 436: Senator Woelfel;

Senate Bill 440: Senator Woelfel;

Senate Bill 441: Senator Woelfel;

Senate Bill 442: Senator Woelfel;

Senate Bill 443: Senators Woelfel and Rucker;

Senate Bill 481: Senator Hamilton;

Senate Bill 524: Senator Garcia;

Senate Bill 532: Senator Rose;

Senate Bill 544: Senator Garcia;

Senate Bill 548: Senators Morris, Phillips, Roberts, and Takubo;

Senate Bill 560: Senator Rose;

Senate Bill 583: Senator Woelfel;

Senate Resolution 9: Senator Hamilton;

Senate Resolution 10: Senators Hamilton, Deeds, and Roberts;

Senate Resolution 12: Senators Hamilton, Rose, and Grady;

And

Senate Resolution 13: Senator Hamilton.

On motion of Senator Martin, at 10:43 a.m., the Senate adjourned until Monday, January 26, 2026, at 2 p.m.

SENATE CALENDAR

**Monday, January 26, 2026
2:00 PM**

UNFINISHED BUSINESS

S. R. 14 - Recognizing James and Lucille Pennington on receiving the 2025 West Virginia Logger of the Year award

SECOND READING

Com. Sub. for S. B. 55 - Establishing criminal offense for obstructing or hindering home incarceration supervisor or social services worker

Com. Sub. for S. B. 281 - Authorizing Department of Homeland Security to promulgate legislative rules

Com. Sub. for S. B. 309 - Authorizing DOT to promulgate legislative rules

FIRST READING

Com. Sub. for S. B. 4 - Relating to crimes against public justice

Com. Sub. for S. B. 84 - Prohibiting law enforcement from placing surveillance cameras on private property

S. B. 388 - Requiring public elementary or secondary school make Aitken Bible available to certain classrooms

Com. Sub. for S. B. 390 - Altering conditions for flood resiliency disbursements (original similar to HB4018)

Com. Sub. for S. B. 400 - Updating personal income tax definitions and provision of law relating to gaming and gambling losses (original similar to HB4024)

S. B. 443 - Granting municipal fire marshals authority to assist in lawful execution of law-enforcement officer's official duties

S. B. 445 - Adding Potomac State College as eligible institution for participation in Learn and Earn Program (original similar to HB4533)