

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE  
REGULAR SESSION, 2025  
SEVENTH DAY

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Charleston, West Virginia, Tuesday, February 18, 2025

The Senate met at 11:03 a.m.

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

Prayer was offered by Pastor Paul Coon, Coal Fork United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, February 17, 2025,

At the request of Senator Thorne, 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.

At the request of Senator Martin, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant representatives from Glenville State University privileges of the floor for the day.

The Senate proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 38**, 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,

Patricia Puertas Rucker,  
*Chair.*

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

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 138**, Enhancing penalties for fleeing officer.

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

**Com. Sub. for Senate Bill 138** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-17 and §61-11-18 of the Code of West Virginia, 1931, as amended, relating to creating offenses for second, and third or subsequent offenses of fleeing from an officer; establishing criminal penalties for the new offenses; extending the period for which prior convictions may be used; specifying that the new offenses are qualifying offenses for recidivist sentencing enhancement purposes; and declaring that a conviction for fleeing in vehicle while under the influence of alcohol or drugs is treated as a driving under the influence for licensure purposes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Stuart,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 139**, Requiring one-year residency within district or county to fill vacancy in Legislature.

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

**Com. Sub. for Senate Bill 139** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the filling of vacancies in the Legislature; requiring that county and district political parties submitting a list of legally qualified persons to the Governor to fill a vacancy in the Legislature follow the process established by the state executive committee of that political party; and providing that an individual must reside within the district he or she would represent for one year prior to appointment in order to be eligible to fill a vacancy in the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Stuart,  
*Chair.*

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 249**, Expanding employment and training requirements necessary for SNAP benefits.

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 Finance.

Respectfully submitted,

Rollan A. Roberts,  
*Chair.*

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

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

Your Committee on Government Organization has had under consideration

**Senate Bill 269**, Modifying requirements for public water systems or businesses having backflow preventers.

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

**Com. Sub. for Senate Bill 269** (originating in the Committee on Government Organization)—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.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 439**, Creating Wind Power Taxation Clarification Act.

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

**Com. Sub. for Senate Bill 439** (originating in the Committee on Energy, Industry, and Mining)—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to taxation of wind power projects.

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,

Christopher A. Rose,  
*Chair.*

The bill (Com. Sub. for S. B. 439), 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 and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Smith (Mr. President):**

**Senate Bill 511**—A Bill to amend and reenact §32-2-202, §32-3-304a, §32-3-305, and §32-4-406 of the Code of West Virginia, 1931, as amended, relating to fee changes in the Uniform Securities Act.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Smith (Mr. President):**

**Senate Bill 512**—A Bill to amend and reenact §32-2-202 of the Code of West Virginia, 1931, as amended, relating to registration for broker-dealers and agents; and increasing the registration fee of an agent.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 513**—A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to the racetrack video lottery and the distributions of video lottery net terminal and excess net terminal income to municipalities.

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

**By Senators Woelfel and Garcia:**

**Senate Bill 514**—A Bill to amend and reenact §3-11-2 and §3-11-4 of the Code of West Virginia, 1931, as amended, relating to requiring full text of proposed constitutional amendments

be included on official ballots to be voted at the election at which such amendments are submitted to the voters of the state.

Referred to the Committee on the Judiciary.

**By Senator Helton:**

**Senate Bill 515**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, and §27-5A-6, relating to involuntary hospitalization for substance use disorder; setting forth criteria for treatment; setting forth process for initiation of proceedings; setting forth who may file a petition; setting forth contents of petition; setting forth court proceedings; setting forth time frames; requiring examination; permitting emergency involuntary treatment; permitting summons to be issued if individual fails to attend examination; addressing transportation; and addressing payment for transportation.

Referred to the Select Committee on Substance Use Disorder and Mental Health; and then to the Committee on the Judiciary.

**By Senator Morris:**

**Senate Bill 516**—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18-9A-13, relating to providing extra state aid to school districts for students enrolled in extremely remote schools; defining "extremely remote school"; stating purpose; prohibiting a county board from closing an extremely remote school; requiring county board submission of certain documentation; establishing reporting requirements; and allowing a waiver from any requirement to be submitted.

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

**By Senator Rucker:**

**Senate Bill 517**—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Bureau for Public Health; requiring medical professionals to report to the Bureau for Public Health all injuries and side effects from vaccines and produce an annual report for the Legislature; requiring medical professionals that deliver vaccines to receive educational materials from the Bureau for Public Health about negative side effects from vaccines and to be formally trained every five years; and requiring the commissioner to make available a mechanism for individuals, including parents, to report adverse impact from vaccines.

Referred to the Committee on Health and Human Resources.

**By Senator Weld:**

**Senate Bill 518**—A Bill to amend and reenact §11-21-3, §11-21-4g, §11-21-18, §11-21-30, §11-21-40, §11-21-51, §11-21-71a, and §44D-1-108, of the Code of West Virginia, 1931, as amended, relating to the personal income tax; and exempting non-grantor trusts administered in this state from the personal income tax.

Referred to the Committee on Finance.

**By Senator Taylor:**

**Senate Bill 519**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designed §61-6-18a, relating to the prohibition against camping in public areas

without consent; defining terms; providing that camping in public places without the effective consent of the officer or agency having the legal duty or authority to manage the public place is a misdemeanor; providing for criminal penalties upon conviction thereof; providing for the issuance of a warning citation for a first offense; providing that person's intent may be established through specified actions; providing for community service; providing that state or local law, rules, or ordinances prohibiting camping in public areas meeting certain requirements are not preempted by this section; and requiring officer to provide information prior to issuance of citation unless there is an imminent threat to public health or safety.

Referred to the Committee on the Judiciary.

**By Senator Willis:**

**Senate Bill 520**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding three new sections, designated §5-5-7, §15-2-5a, and §18A-4-5e, relating to mandating executive branch agencies, State Police, and county boards of education develop and report an area market rate salary adjustment policy; stating findings; directing state agencies, State Police, and county boards of education develop and report an area market rate salary adjustment policy by certain date; establishing mandatory terms to be included in policy; and providing that no private cause of action or right to grievance arises from operation of the policy.

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

**By Senator Willis:**

**Senate Bill 521**—A Bill to amend and reenact §3-1-16, §3-1-17, §3-4A-11a, §3-5-6a, §3-5-6b, §3-5-6c, §3-5-6d, §3-5-7, §3-5-13, §3-5-13a, §3-10-3, §3-12-3, §3-12-11, §3-12-12, §3-12-14, §50-1-1, §50-1-6, §51-1-1, and §51-2A-5 of the Code of West Virginia, 1931, as amended, relating to electoral reforms of the West Virginia judiciary and boards of education generally; requiring the election of justices of the Supreme Court of Appeals, circuit court judges, family court judges, magistrates, and members of boards of education be on a partisan basis; establishing ballot design and printing; requiring partisan ballots be used; and providing for the continuing applicability of the West Virginia Supreme Court of Appeals Public Campaign Financing Program.

Referred to the Committee on the Judiciary.

**By Senators Woelfel and Garcia:**

**Senate Joint Resolution 9**—Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to term limits for constitutional officers; providing that no person shall serve more than two consecutive terms in any one of the offices of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General; setting effective date; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

The Senate proceeded to the seventh order of business.

**Senate Resolution 7**, Recognizing 153rd anniversary of Glenville State University.

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

At the request of Senator Martin, 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 Queen demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stuart, and Takubo—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 7) adopted.

**Senate Resolution 8**, Designating February 18, 2025, as WV Banker's Day at Legislature.

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

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 460**, Relating to vaccine requirements.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Weld and Woelfel, the following amendment to the bill was reported by the Clerk:

On page 5, section 4, after line 89, by adding thereto a new subsection, designated subsection (l), to read as follows:

(l) In accordance with the guarantees of religious freedom set forth in Section 15, Article III of the West Virginia Constitution, and §18-28-1 of this code, private, parochial, and church schools or state-regulated child care centers, or schools of a religious order located in this state may continue to require the compulsory immunization requirements set forth in subsections (b) and (c) of this section if doing so is in conformity with the tenants of that religion's beliefs as determined in the sole discretion of the religious entity operating or administering any such school or state-regulated child care center. The exercise of discretion by such religious entity, private, parochial or church school or state-regulated child care center under this subsection precludes liability or damage claims under any other provision of this section.

Following extended discussion,

The question being on the adoption of the amendment offered by Senators Weld and Woelfel to the bill, and on this question, Senator Weld demanded the yeas and nays.

The roll being taken, the yeas were: Clements, Garcia, Hamilton, Jeffries, Morris, Oliverio, Queen, Weld, Woelfel, and Woodrum—10.

The nays were: Barrett, Bartlett, Boley, Chapman, Charnock, Deeds, Fuller, Grady, Hart, Helton, Martin, Maynard, Phillips, Roberts, Rose, Rucker, Tarr, Taylor, Thorne, Willis, and Smith (Mr. President)—21.

Absent: Azinger, Stuart, and Takubo—3.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senators Weld and Woelfel to the bill rejected.

On motion of Senator Weld, the following amendment to the bill (Com. Sub. for S. B. 460) was next reported by the Clerk:

On page 4, section 4, line 86, after the words "right to" by striking out the words "a public" and inserting in lieu thereof the word "an".

Following discussion,

The question being on the adoption of Senator Weld's amendment to the bill, and on this question, Senator Weld demanded the yeas and nays.

The roll being taken, the yeas were: Boley, Clements, Garcia, Hamilton, Jeffries, Oliverio, Queen, Rucker, Tarr, Weld, Willis, Woelfel, and Woodrum—13.

The nays were: Barrett, Bartlett, Chapman, Charnock, Deeds, Fuller, Grady, Hart, Helton, Martin, Maynard, Morris, Phillips, Roberts, Rose, Taylor, Thorne, and Smith (Mr. President)—18.

Absent: Azinger, Stuart, and Takubo—3.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Weld's amendment to the bill rejected.

On motion of Senator Woelfel, the following amendment to the bill (Com. Sub. for S. B. 460) was next reported by the Clerk:

On page 4, section 4, line 71, after the word "child" by changing the period to a colon and inserting the following proviso: *Provided*, That in no case shall the provisions of this subsection apply to the mandatory immunization against polio provided for in subsections (b) and (c) of this section.

Following discussion,

The question being on the adoption of Senator Woelfel's amendment to the bill, and on this question, Senator Woelfel demanded the yeas and nays.

The roll being taken, the yeas were: Boley, Clements, Deeds, Fuller, Garcia, Hamilton, Jeffries, Morris, Oliverio, Weld, Woelfel, and Woodrum—12.



The nays were: Barrett, Bartlett, Chapman, Charnock, Grady, Hart, Helton, Martin, Maynard, Phillips, Queen, Roberts, Rose, Rucker, Tarr, Taylor, Thorne, Willis, and Smith (Mr. President)—19.

Absent: Azinger, Stuart, and Takubo—3.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Woelfel's amendment to the bill rejected.

On motion of Senator Garcia, the following amendments to the bill (Com. Sub. for S. B. 460) were next reported by the Clerk and considered simultaneously:

On page 4, section 4, after line 79, by inserting three new subsections, designated subsections (k), (l), and (m), to read as follows:

(k) All public, private, and parochial schools, and all state-regulated child care centers, shall create and maintain a report containing the following:

(1) The number of students enrolled in the school, or of children enrolled in the child care center, who have been granted an exemption from vaccination under this section; and

(2) The percentage of students enrolled in the school, or of children enrolled in the child care center, who have been granted an exemption from vaccination under this section.

(l) The report required under subsection (k) shall:

(1) Be updated by October 1 of each calendar year; and

(2) Be posted and available to the public online.

(m) No personal identifying or personal health information of any individual shall be included in the report required under subsections (k) and (l) of this section.;

And,

By re-lettering the remaining subsections.

Following discussion,

The question being on the adoption of Senator Garcia's amendments to the bill, and on this question, Senator Garcia demanded the yeas and nays.

The roll being taken, the yeas were: Clements, Garcia, Hamilton, Jeffries, Oliverio, Queen, Weld, Woelfel, and Woodrum—9.

The nays were: Barrett, Bartlett, Boley, Chapman, Charnock, Deeds, Fuller, Grady, Hart, Helton, Martin, Maynard, Morris, Phillips, Roberts, Rose, Rucker, Tarr, Taylor, Thorne, Willis, and Smith (Mr. President)—22.

Absent: Azinger, Stuart, and Takubo—3.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Garcia's amendments to the bill rejected.

The bill (Com. Sub. for S. B. 460) was then ordered to engrossment and third reading.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Maynard and Phillips.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Martin, unanimous consent being granted, leaves of absence for the day were granted Senators Takubo and Stuart.

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 February 17, 2025:

**Senate Bill 6:** Senators Roberts and Hamilton;

**Senate Bill 10:** Senator Phillips;

**Senate Bill 16:** Senator Hamilton;

**Senate Bill 18:** Senator Hamilton;

**Senate Bill 19:** Senator Hamilton;

**Senate Bill 29:** Senator Hamilton;

**Senate Bill 38:** Senator Hamilton;

**Senate Bill 65:** Senator Hamilton;

**Senate Bill 77:** Senator Helton;

**Senate Bill 94:** Senator Rose;

**Senate Bill 123:** Senator Jeffries;

**Senate Bill 138:** Senator Deeds;

**Senate Bill 139:** Senator Morris;

**Senate Bill 189:** Senator Hamilton;

**Senate Bill 240:** Senator Deeds;

**Senate Bill 249:** Senator Deeds;

**Senate Bill 264:** Senator Helton;

**Senate Bill 269:** Senator Hamilton;

**Senate Bill 286:** Senator Roberts;

**Senate Bill 424:** Senator Rose;

**Senate Bill 433:** Senator Roberts;

**Senate Bill 434:** Senator Helton;

**Senate Bill 445:** Senator Hamilton;

**Senate Bill 449:** Senator Hamilton;

**Senate Bill 466:** Senators Rucker and Thorne;

**Senate Bill 470:** Senator Helton;

**Senate Bill 472:** Senator Roberts;

**Senate Bill 480:** Senator Morris;

**Senate Bill 481:** Senators Morris and Thorne;

**Senate Bill 482:** Senator Rucker;

**Senate Bill 504:** Senator Thorne;

**Senate Bill 505:** Senator Phillips;

**Senate Bill 506:** Senators Rucker and Woelfel;

**Senate Bill 507:** Senators Rose and Rucker;

**Senate Bill 508:** Senator Woelfel;

**Senate Bill 509:** Senator Woelfel;

**Senate Joint Resolution 2:** Senators Thorne and Hamilton;

**Senate Joint Resolution 4:** Senator Hamilton;

**Senate Joint Resolution 8:** Senators Morris, Helton, Thorne, Smith, Bartlett, and Clements;

**Senate Concurrent Resolution 3:** Senator Jeffries;

**Senate Concurrent Resolution 4:** Senator Jeffries;

**Senate Concurrent Resolution 6:** Senator Jeffries;

**Senate Concurrent Resolution 7:** Senators Jeffries, Helton, and Phillips;

**Senate Concurrent Resolution 8:** Senators Jeffries and Helton;

**Senate Concurrent Resolution 9:** Senator Jeffries;

**Senate Concurrent Resolution 10:** Senators Jeffries and Phillips;

**Senate Concurrent Resolution 11:** Senators Jeffries and Phillips;

**Senate Resolution 7:** Senators Rucker, Helton, Smith, Clements, Jeffries, and Hamilton;

And,

**Senate Resolution 8:** Senators Hamilton and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:29 p.m., the Senate adjourned until tomorrow, Wednesday, February 19, 2025, at 11 a.m.

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## **SENATE CALENDAR**

**Wednesday, February 19, 2025  
11:00 AM**

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### **SPECIAL ORDER OF BUSINESS**

**Saturday, April 12, 2025 – 11:30 AM**

Consideration of executive nominations

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### **THIRD READING**

Eng. Com. Sub. for S. B. 460 - Relating to vaccine requirements (original similar to HB2004)

### **FIRST READING**

Com. Sub. for S. B. 138 - Enhancing penalties for fleeing officer

Com. Sub. for S. B. 139 - Relating to filling of vacancies in Legislature

Com. Sub. for S. B. 269 - Modifying requirements for public water systems or businesses having  
backflow preventers

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2025**

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**Wednesday, February 19, 2025**

9:30 a.m.

Natural Resources

(Room 208W)