

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE  
REGULAR SESSION, 2025  
NINTH DAY

---

Charleston, West Virginia, Thursday, February 20, 2025

The Senate met at 11:02 a.m.

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

Prayer was offered by Pastor Jackie Johnson, Community Care Pastor, Kings River Worship Center, St. Albans, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable T. Kevan Bartlett, a senator from the eighth district.

Pending the reading of the Journal of Wednesday, February 19, 2025,

At the request of Senator Clements, 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 Clerk presented the following communication from a state agency as required by the provisions of law:

Environmental Protection, Department of (Office of Oil and Gas Waiver Report) (§22-6A-2)

The Senate proceeded to the fourth order of business.

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 136**, Modifying parole eligibility for person serving sentence for first degree murder.

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

**Com. Sub. for Senate Bill 136** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-3, §61-2-4, and §62-12-13 of the Code of West Virginia, 1931, as amended, all relating to increasing the penalties and parole eligibility requirements for homicide by increasing the minimum and maximum term of imprisonment for second degree murder and voluntary manslaughter; increasing the minimum period of imprisonment prior to parole eligibility for individuals convicted of second degree murder and voluntary manslaughter; and increasing the minimum period of imprisonment prior to parole eligibility for individuals sentenced to life imprisonment.

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 Bills 335, 336, 337, 338, 339, and 340**, Governor's Committee on Crime, Delinquency, and Correction rule relating to sexual assault forensic examinations.

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

**Com. Sub. for Senate Bill 336** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to the protocol for law enforcement response to child abuse and neglect; authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to sexual assault forensic examinations; authorizing the Division of Protective Services to promulgate a legislative rule relating to the ranks and duties of officers within the membership of the division; authorizing the State Emergency Response Commission to promulgate a legislative rule relating to the Emergency Planning Grant Program; authorizing the West Virginia State Police to promulgate a legislative rule relating to cadet selection; and authorizing the West Virginia State Police to promulgate a legislative rule relating to the West Virginia State Police Career Progression System.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Stuart,  
*Chair.*

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 Barrett:**

**Senate Bill 545**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5D-3A, relating to school nutritional programs; prohibiting certain unsafe food additives; providing for exceptions; and setting an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Jeffries:**

**Senate Bill 546**—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county commissions to levy an additional county excise tax on the privilege of transferring real property for the purpose of funding local economic development.

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

**By Senator Rucker:**

**Senate Bill 547**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5G-18, relating to creating the Charter Schools Startup Fund; requiring submission of application to the West Virginia Professional Charter School Board in order to receive funds from the Charter Schools Startup Fund; requiring notice to potential applicants; requiring certain contents be included in application; requiring distribution of money to qualifying charter school applicants and charter schools, subject to availability of funding; and specifying manner of distribution.

Referred to the Committee on Finance.

**By Senator Grady:**

**Senate Bill 548**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18-36-1, §18-36-2, §18-36-3, §18-36-4, §18-36-5, §18-36-6, and §18-36-7, relating to the creation of the Safety and Violence Education for Students Act; providing for training programs; providing for the Department of Education to develop trainings and materials; and setting forth minimum standards.

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

**By Senator Woelfel:**

**Senate Bill 549**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §11-21-12o, relating to authorizing a personal income tax deduction applicable to qualified tipped wages; providing that qualified tips reported to the taxpayer's employer may be deducted from federal adjusted gross income; defining terms; and providing effective date.

Referred to the Committee on Finance.

**By Senator Deeds:**

**Senate Bill 550**—A Bill to amend and reenact §15A-10-1, §15A-10-3, §15A-10-6, and §15A-10-25 of the Code of West Virginia, 1931, as amended; and to amend the code by adding two

new sections, designated §15A-10-1a and §15A-10-26, relating to clarifying the role and term of service of the State Fire Marshal; clarifying the responsibilities of chief deputy fire marshal and deputy fire marshal; specifying salaries for law enforcement employed by the Office of State Fire Marshal; modifying the role of assistant fire marshal; and recognizing certain rights of the retired deputy fire marshal.

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

**By Senator Weld:**

**Senate Bill 551**—A Bill to amend and reenact §61-2-3 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for second degree murder.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 552**—A Bill to amend and reenact §5B-2-21 of the Code of West Virginia, 1931, as amended, relating to the Certified Business Industrial Expansion Development Program administered by the Department of Economic Development; renaming the expansion development program administered by the department; renaming business development districts certified by the department; clarifying that the program includes any plant or facility; and clarifying that electricity provided to certain business development districts may be generated from any fuel source.

Referred to the Committee on Economic Development.

**By Senator Garcia:**

**Senate Bill 553**—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to providing that a certified abstract of a judgment for conviction of an offense of driving above the speed limit on a controlled access highway or interstate highway at 10 miles per hour or less above the speed limit may not be recorded by the Division of Motor Vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Banking and Insurance.

**By Senator Garcia:**

**Senate Bill 554**—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to home-schooled children; establishing Raylee's Law; prohibiting authorization of home instruction if there is a pending child abuse or neglect investigation against a custodial parent or guardian with whom the child to be home schooled resides, or against a person instructing the child, that is initiated by a schoolteacher or other school personnel; requiring the county superintendent to establish a policy to inform the superintendent when a report of suspected child abuse or neglect is made; and requiring the county superintendent to request case status confirmation from the Department of Human Services and to substantiate the abuse or neglect complaint.

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

**By Senator Tarr:**

**Senate Bill 555**—A Bill to amend and reenact §8-12-1 and §8-12-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §8-12-2a, relating to prohibiting public sector unions.

Referred to the Committee on Government Organization.

**By Senators Tarr and Chapman:**

**Senate Bill 556**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §49-2-127b, relating to immunizations; prohibiting the requirement of certain immunizations as condition of being a foster parent; and providing an exception.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 557**—A Bill to amend and reenact §30-1D-1, §30-3-4, §30-3-5, §30-3-6, §30-3-7, §30-3-8, §30-3-9, §30-3-10, §30-3-11, §30-3-11a, §30-3-12, §30-3-13, §30-3-13a, §30-3-15, §30-3-16, §30-3-17, and §30-3-18 of the Code of West Virginia, 1931, as amended; to amend the code by adding three new sections, designated §30-3-10b, §30-3-21, and §30-3-22; to amend said code adding thereto a new article, designated §30-3H-1, §30-3H-2, §30-3H-3, §30-3H-4, §30-3H-5, §30-3H-6, §30-3H-7, §30-3H-8, §30-3H-9, §30-3H-10, §30-3H-11, and §30-3H-12; and to repeal §30-3-7a, §30-3-11, §30-3-11a, §30-3-11b, and §30-3-11c, relating to professionals to be licensed by the West Virginia Board of Medicine; requiring criminal background checks of any applicant for a license to engage in genetic counseling; defining terms; providing for board membership; providing that the board may call emergency meetings; authorizing the delegation of duties by the board; repealing certain provisions pertaining to radiologist assistants; providing for certain use of electronic signatures; providing for the creation of a complaint file that is separate from and in addition to a licensee's historical record; providing requirements for licensure to practice medicine and surgery; podiatry and administrative medicine; providing for certain special license types; repealing provisions relating to endorsement and temporary licensure; repealing certain provisions relating to the practice of medicine and surgery in certain nursing homes; repealing certain provisions pertaining to administrative medicine licenses; creating a Genetic Counselors Practice Act; requiring criminal background checks of any applicant for a license to engage in genetic counseling; requiring persons to possess a valid license prior to practicing genetic counseling; providing licensure requirements for genetic counseling; stating the duties and powers of the board with regard to genetic counseling; providing for the practice of active candidate status and American Board of Genetic Counseling permittees; authorizing the board to promulgate rules for legislative approval; providing for the expiration, renewal, and reinstatement of licenses to practice genetic counseling; setting certain continuing education requirements; setting a genetic counselor's scope of practice; providing for disciplinary proceedings involving genetic counselors; authorizing the board or the Attorney General to seek certain injunctive relief; requiring certain reports from health care facilities; prohibiting any genetic counselor or active candidate status permittee to represent that he or she is a licensed physician; and providing that any person who violates that prohibition is guilty of a felony and, upon conviction, shall be imprisoned for not less than one nor more than two years, or be fined not more than \$2,000, or both find and imprisoned.

Referred to the Committee on Health and Human Resources.

**By Senators Oliverio and Boley:**

**Senate Bill 558**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-2-9b, relating to requiring public high school students to take a computer science course prior to graduating; setting forth definitions; and requiring the Board of Education to adopt rules and update computer science standards.

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

**By Senators Oliverio, Boley, and Charnock:**

**Senate Bill 559**—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring legal injunctions and legal actions involving the West Virginia Secondary School Activities Commission to be filed in either Wood County or Kanawha County.

Referred to the Committee on Education.

**By Senator Thorne:**

**Senate Bill 560**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §7-1-3uu, relating to county commissions and municipalities; granting authority to enact ordinances; defining terms; restricting locations of certain energy facilities; and establishing judicial review.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Oliverio, Queen, Taylor, Woelfel, and Charnock:**

**Senate Bill 561**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, §31A-9-4, §31A-9-5, §31A-9-6, §31A-9-7, §31A-9-8, §31A-9-9, §31A-9-10, §31A-9-11, §31A-9-12, §31A-9-13, §31A-9-14, §31A-9-15, and §31A-9-16, relating to the Uniform Special Deposits Act; providing citation; defining terms; providing for applicability to special deposits in certain circumstances; providing exceptions; allowing variation by agreement or amendment; setting forth requirements for a special deposit; requiring permissible purpose for special deposit; allowing termination of special deposit in certain circumstances; describing when bank is obligated to pay beneficiary; clarifying who has a property interest in special deposit; providing for creditor process enforceability in certain circumstances; permitting injunctive or similar relief by court; prohibiting recoupment or setoff against special deposit; providing exceptions to prohibition on recoupment or setoff against special deposit; describing duties and liability of bank holding special deposit; terminating special deposit after five years unless otherwise agreed; providing for payment of remaining balance; providing for supplementation of article by specified West Virginia laws; providing for promotion of uniformity; and providing applicability after effective date.

Referred to the Committee on Banking and Insurance.

**By Senators Oliverio, Queen, Taylor, Woelfel, and Charnock:**

**Senate Bill 562**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §48-32-101, §48-32-102, §48-32-103, §48-32-104, §48-32-105, §48-32-106, §48-32-106, §48-32-107, §48-32-108, §48-32-109, §48-32-110, and §48-32-111, relating to the Uniform Child Abduction Prevention Act; providing citation; defining terms; providing for communication and cooperation among courts; identifying parties who may seek relief; setting forth jurisdictional requirements; identifying required contents of petition; providing factors for determination of risk of abduction; identifying measures to prevent abductions; providing requirements in court order; identifying child removal warrant procedures; setting forth duration of abduction prevention orders; and providing for uniformity in application of law.

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

**By Senators Woelfel and Garcia:**

**Senate Joint Resolution 10**—Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to term limits for members of the Senate and House of Delegates; limiting senators to three consecutive terms; limiting delegates to six consecutive terms; establishing beginning date of term limitations; 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 9**, Recognizing Court Appointed Special Advocates.

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

At the request of Senator Rucker, 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 Rucker demanded the yeas and nays.

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

The nays were: None.

Absent: Azinger, Boley, and Takubo—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 9) adopted.

**Senate Resolution 10**, Designating February 20, 2025, as Human Resources Day at Legislature.

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

At the request of Senator Oliverio, 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 Oliverio demanded the yeas and nays.

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

The nays were: None.

Absent: Azinger, Boley, and Takubo—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 10) adopted.

**Senate Resolution 11**, Recognizing Cottage Hill Farm as WV outstanding family-owned Hereford cattle farm for 2024.

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

At the request of Senator Willis, 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 Willis demanded the yeas and nays.

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

The nays were: None.

Absent: Azinger, Boley, and Takubo—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 11) adopted.

The Senate proceeded to the eighth order of business.

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

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

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

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

**Com. Sub. for Senate Bill 139**, Relating to filling of vacancies in Legislature.

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

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



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

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 8**, Providing additional sites and devices for newborn safe surrender.

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

**Com. Sub. for Senate Bill 151**, Creating crime of assault on police dogs and other public safety animals.

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

**Com. Sub. for Senate Bill 240**, Updating crime of sexual extortion.

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

**Com. Sub. for Senate Bill 270**, Declaring sale and manufacture of firearms essential business during declared emergency.

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

**Com. Sub. for Senate Bill 275**, Removing requirement school cooks or custodians have high school diploma or equivalent.

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

**Com. Sub. for Senate Bill 282**, Modifying provisions for employment of retired teachers as substitutes in areas of critical need and shortage.

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

**Com. Sub. for Senate Bill 283**, Expanding grade levels of personal finance course requirements needed for graduation.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Martin, unanimous consent being granted, a leave of absence for the day was granted Senator Takubo.

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 19, 2025:

**Senate Bill 17:** Senator Hart;

**Senate Bill 21:** Senator Hart;

**Senate Bill 25:** Senator Hart;

**Senate Bill 133:** Senator Rose;

**Senate Bill 136:** Senator Deeds;

**Senate Bill 240:** Senator Rucker;

**Senate Bill 246:** Senator Deeds;

**Senate Bill 258:** Senator Morris;

**Senate Bill 270:** Senators Rucker, Hart, Bartlett, and Morris;

**Senate Bill 445:** Senator Rose;

**Senate Bill 467:** Senator Rucker;

**Senate Bill 472:** Senator Rucker;

**Senate Bill 481:** Senator Bartlett;

**Senate Bill 506:** Senator Bartlett;

**Senate Bill 507:** Senator Bartlett;

**Senate Bill 508:** Senator Rucker;

**Senate Bill 510:** Senator Bartlett;

**Senate Bill 515:** Senator Deeds;

**Senate Bill 520:** Senator Rucker;

**Senate Bill 527:** Senator Hamilton;

**Senate Bill 535:** Senator Roberts;

**Senate Bill 536:** Senator Jeffries;

**Senate Bill 537:** Senators Rucker and Roberts;

**Senate Resolution 9:** Senator Rose;

And,

**Senate Resolution 11:** Senator Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 11:30 a.m., the Senate adjourned until tomorrow, Friday, February 21, 2025, at 10 a.m.

---

## **SENATE CALENDAR**

**Friday, February 21, 2025  
10:00 AM**

---

### **SPECIAL ORDER OF BUSINESS**

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

Consideration of executive nominations

---

### **THIRD READING**

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

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

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

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

### **SECOND READING**

Com. Sub. for S. B. 8 - Providing additional sites and devices for newborn safe surrender

Com. Sub. for S. B. 151 - Creating crime of assault on police dogs and other public safety animals

Com. Sub. for S. B. 240 - Updating crime of sexual extortion

Com. Sub. for S. B. 270 - Declaring sale and manufacture of firearms essential business during declared emergency

Com. Sub. for S. B. 275 - Removing requirement school cooks or custodians have high school diploma or equivalent

Com. Sub. for S. B. 282 - Modifying provisions for employment of retired teachers as substitutes in areas of critical need and shortage

Com. Sub. for S. B. 283 - Expanding grade levels of personal finance course requirements needed for graduation

### **FIRST READING**

Com. Sub. for S. B. 136 - Increasing penalties and parole eligibility requirements for homicide (original similar to HB2359)

Com. Sub. for S. B. 336 - Authorizing Department of Homeland Security to promulgate legislative rules (original similar to HB2256)

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2025**

---

**Friday, February 21, 2025**

9:30 a.m.

Military

(Room 208W)