

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2025
SIXTEENTH DAY

Charleston, West Virginia, Thursday, February 27, 2025

The Senate met at 11:02 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 Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Wednesday, February 26, 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.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Special Investigations, Commission on (§4-5-2)

The following communication was reported by the Clerk:



The Senate of West Virginia
Charleston

February 27, 2025

Randy E. Smith
President of the Senate
State Capitol, Room M-229
Charleston, WV 25305

Dear President Smith,

Please accept this letter as formal notification that I am resigning from my position as Doorkeeper for the West Virginia Senate.

If my help and assistance may be needed in the transition period please let me know.

Thank you as well as the entire Senate for a memorable life experience. I am grateful to have had the opportunity to serve.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey L. Branham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeffrey L. Branham

c. Lee Cassis, Clerk of the Senate

The resignation of Mr. Branham was accepted and the Office of Doorkeeper was declared vacant.

The Senate then proceeded to the election of a Doorkeeper.

For that office, Senator Rucker nominated the Honorable Ralph Coleman, of the County of Kanawha; seconded by Senator Grady.

On motions of Senator Woelfel, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Coleman.

The President then announced the vote and declared that Mr. Coleman, having received all the votes cast, had been unanimously elected Doorkeeper of the Senate.

Whereupon, Mr. Coleman qualified as Doorkeeper, by taking the several oaths of office prescribed by law and administered by the Honorable Lee Cassis, Senate Clerk.

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 484, Relating to disclosures and penalties associated with use of synthetic media and artificial intelligence.

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

Com. Sub. for Senate Bill 484 (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 §3-8-12a, relating to disclosures and penalties associated with the use of synthetic media and artificial intelligence.

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 486, Clarifying eligibility requirements to vote in WV elections.

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

Com. Sub. for Senate Bill 486 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended, relating to the

eligibility requirements to vote in West Virginia elections; describing eligibility requirements for persons to vote; providing for restoration of voting rights in certain circumstances; and clarifying when a person convicted of a disqualifying crime is not permitted to vote.

Senate Bill 488, Clarifying definition of electioneering.

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

Com. Sub. for Senate Bill 488 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-9-9 of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of electioneering; describing certain prohibited electioneering information or activity; exempting from the definition of "electioneering" certain activity and materials; permitting voters to use cellular phones within the electioneering prohibition zone under certain circumstances; prohibiting taking photos or videos in and around a place where voting is conducted; providing exceptions to prohibition on photographs and videos; permitting a voter's use of candidate list and public questions in polling place; permitting certain persons to enforce election laws and maintain law and order inside the prohibited zone, and permitting certain persons to seek assistance from law enforcement officer.

And,

Senate Bill 489, Relating to election law violation complaints and procedures.

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

Com. Sub. for Senate Bill 489 (originating in the Committee on the Judiciary)—A Bill to amend §3-1-50 of the Code of West Virginia, 1931, as amended, relating to prescribing administrative procedures and ultimate disposition of election law violation complaints and investigations thereof by the Secretary of State; specifying who may file complaints; setting forth requirements for complaints; requiring complaints to be sworn; requiring the Secretary of State to notify complainants of deficiencies in complaint; requiring Secretary of State to submit report of suspected election law violations to State Election Commission; setting forth process for State Election Commission to handle complaints; requiring Secretary of State to notify respondents to election law complaints of investigations and setting forth contents thereof; setting forth procedure for Secretary of State to follow for investigations; permitting Secretary of State to issue and require responses to sworn interrogatories, subpoenas, and request production of documents; permitting Secretary of State to interview and depose respondents; requiring Secretary of State to publish findings of investigations to State Election Commission; permitting State Election Commission to request Secretary of State to discuss the report and require him or her to take further action following investigation of complaint; permitting State Election Commission to propose and enter settlement agreements; requiring State Election Commission to dismiss complaints upon a finding that no probable cause exists; requiring Attorney General to provide legal and investigative support upon request by the Secretary of State or the State Election Commission; requiring prosecuting authority to receive and process suspected criminal violations; and permitting Secretary of State to promulgate rules.

With the recommendation that the three committee substitutes 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 490, Prohibiting ranked-choice voting in elections in West Virginia.

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

Respectfully submitted,

Mike Stuart,
Chair.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

House Concurrent Resolution 49, Resolution relating to use of industrial sites and the potential impacts on downstream facilities.

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

Respectfully submitted,

Bill Hamilton,
Chair.

The Senate proceeded to the fifth order of business.

Senator Helton, from the Select Committee on Substance Use Disorder and Mental Health, submitted the following report, which was received:

Your Select Committee on Substance Use Disorder and Mental Health has had under consideration

Senate Bill 163, Including certain mental health disorders in existing public health programs.

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

Respectfully submitted,

Brian Helton,
Chair.

At the request of Senator Helton, unanimous consent being granted, the bill (S. B. 163) contained in the foregoing report from the Select Committee on Substance Use Disorder and Mental Health 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 Rucker, Azinger, Barrett, Fuller, Grady, Hart, Helton, Maynard, Roberts, Rose, Thorne, and Willis:

Senate Bill 614—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §30-5-37, relating to pharmacists; authorizing Ivermectin without a prescription; clarifying liability and disciplinary action for pharmacists; authorizing rules; and establishing severability.

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

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

Senate Bill 615—A Bill to amend and reenact §11-15-16, §11-15A-10, and §11-21-74 of the Code of West Virginia, 1931, as amended, relating to eliminating accelerated tax payment requirements.

Referred to the Committee on Finance.

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

Senate Bill 616—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Human Services, Health Care Provider Tax, Medical State Share Fund, fund 5090, fiscal year 2025, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

By Senators Roberts, Azinger, Barrett, Deeds, Fuller, Hart, Helton, Jeffries, Maynard, Morris, Rose, Stuart, Tarr, and Thorne:

Senate Bill 617—A Bill to amend and reenact §61-13-2 and §61-13-3 of the Code of West Virginia, 1931, as amended, relating to discouraging gang activity; and adding gang activity to offenses punishable by this section.

Referred to the Committee on the Judiciary.

By Senators Thorne and Willis:

Senate Bill 618—A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended, relating to allowing for a reduction in property tax for certain farmland in this state.

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

By Senator Willis:

Senate Bill 619—A Bill to amend and reenact §50-1-6 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in the office of magistrate; and authorizing prospective vacancy due to upcoming resignation or retirement to be filled by circuit judge or chief circuit judge.

Referred to the Committee on the Judiciary.

By Senator Willis:

Senate Bill 620—A Bill to amend and reenact §58-5-4 of the Code of West Virginia, 1931, as amended, relating to time for appeal; and providing that the time for filing a notice of appeal, perfecting an appeal, and filing related documents with the Intermediate Court of Appeals and Supreme Court of Appeals shall be in accordance with rules promulgated by the Supreme Court of Appeals.

Referred to the Committee on the Judiciary.

By Senator Willis:

Senate Bill 621—A Bill to amend and reenact §51-1-12 and §51-3-4 of the Code of West Virginia, 1931, as amended, relating to authorizing digital court records; providing duties of clerk of Supreme Court of Appeals or designated staff to include preserving digital and physical court records; requiring orders to be entered in a book or kept digitally by clerk of court; and removing requirement that order books be signed by judge or presiding officer.

Referred to the Committee on the Judiciary.

By Senator Willis:

Senate Bill 622—A Bill to amend and reenact §50-1-8, §50-1-9, §50-1-9a, and §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to authorizing compensation for certain lower court staff; and providing that the annual salary for magistrate court clerks, magistrate assistants, magistrate court deputy clerks, secretary-clerks of family court judges, and family case coordinators shall be determined by a pay scale established by the Administrative Director of the Supreme Court of Appeals.

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

By Senator Willis:

Senate Bill 623—A Bill to amend and reenact §51-9-10 of the Code of West Virginia, 1931, as amended, relating to senior judges and justices; and recognizing authority of Supreme Court of Appeals to recall senior judges and justices in specified circumstances.

Referred to the Committee on the Judiciary.

By Senator Willis:

Senate Bill 624—A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to vacancies in offices of state officials; and authorizing the Governor to appoint an acting official to perform the duties of the constitutional officer until the office is filled by appointment by the Governor.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 625—A Bill to amend and reenact §51-1-4 of the Code of West Virginia, 1931, as amended, relating to regulation of procedure in all courts of record; and providing a procedure when judges may be recused in legal proceedings if a party's lawyer or the law firm of a party's lawyer has contributed to a judge's campaign.

Referred to the Committee on the Judiciary.

By Senator Garcia:

Senate Bill 626—A Bill to amend and reenact §8-29-6 of the Code of West Virginia, 1931, as amended, relating to allowing members of regional airport boards to be residents of the municipality or county in which the airport is located.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

Senator Rucker offered the following resolution:

Senate Resolution 16—Designating the first full week in May as Tardive Dyskinesia Awareness Week.

Which, under the rules, lies over one day.

Senator Taylor offered the following resolution:

Senate Resolution 17—Designating February 28, 2025, as Dental Hygienists' Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 12, US Army Staff Sergeant Barney Warren Frazier Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 13, Purple Heart Trail.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 14, Requesting Joint Committee on Government and Finance study substance use disorder in WV.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Select Committee on Substance Use Disorder and Mental Health.

Senate Resolution 15, Designating February 27, 2025, Sexual Violence Awareness Day.

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

At the request of Senator Stuart, 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 eighth order of business.

Eng. Senate Bill 103, Exempting certain records from public release.

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, Boley, Chapman, Charnock, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Clements, and Woodrum—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 103) 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 ninth order of business.

Com. Sub. for Senate Bill 5, Establishing Adopt-A-Road program.

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 50, Requiring municipal elections to be held on same day as statewide elections.

On second 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.

Senate Bill 234, Increasing value at which municipal property must be sold through public auction.

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 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

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 427, Permitting certain teenagers to work without obtaining work permit.

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 459, Requiring county economic development committee members be state residents.

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 534, Clarifying qualifications to be licensed to administer polygraphs.

On second 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 tenth order of business.

Com. Sub. for Senate Bill 29, Allowing physicians assistants to own practice.

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

Com. Sub. for Senate Bill 124, Reducing statute of limitations on actions to recover on oral and written contracts.

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

Com. Sub. for Senate Bill 198, Prohibiting creation, production, distribution, or possession of artificially generated child pornography.

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

Com. Sub. for Senate Bill 456, Defining "men" and "women".

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

Com. Sub. for Senate Bill 482, Certified Professional Midwife Licensing and Regulation.

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

Senate Bill 483, Increasing civil penalties for failure to file required campaign finance reports.

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

Senate Bill 496, Removing reflexology and other energy-based work from definition of "massage therapy".

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

Senate Bill 537, Establishing WV Mothers and Babies Pregnancy Support Program.

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

Com. Sub. for Senate Bill 552, Relating to Certified Business Expansion Development Program.

On first 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 thirteenth order of business.

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

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 26, 2025:

Senate Bill 10: Senator Rucker;

Senate Bill 23: Senator Taylor;

Senate Bill 147: Senators Hamilton, Deeds, and Barrett;

Senate Bill 190: Senator Roberts;

Senate Bill 241: Senator Rucker;

Senate Bill 246: Senator Hamilton;

Senate Bill 437: Senator Hart;

Senate Bill 446: Senator Oliverio;

Senate Bill 484: Senator Deeds;

Senate Bill 490: Senator Rose;

Senate Bill 575: Senator Thorne;

Senate Bill 582: Senator Morris;

Senate Bill 599: Senator Thorne;

Senate Bill 600: Senator Rucker;

Senate Bill 603: Senator Takubo;

Senate Bill 604: Senator Hart;

Senate Bill 610: Senators Rose and Rucker;

Senate Joint Resolution 4: Senator Jeffries;

Senate Concurrent Resolution 12: Senator Jeffries;

Senate Concurrent Resolution 13: Senator Jeffries;

Senate Concurrent Resolution 14: Senator Jeffries;

Senate Resolution 12: Senator Jeffries;

Senate Resolution 14: Senator Willis;

And,

Senate Resolution 15: Senators Woelfel, Rucker, and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 11:27 a.m., the Senate adjourned until tomorrow, Friday, February 28, 2025, at 10 a.m.

SENATE CALENDAR

**Friday, February 28, 2025
10:00 AM**

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

UNFINISHED BUSINESS

S. R. 16 - Designating first full week in May as Tardive Dyskinesia Awareness Week

S. R. 17 - Designating February 28, 2025, as Dental Hygienists' Day

H. C. R. 49 - Resolution relating to use of industrial sites and the potential impacts on downstream facilities

THIRD READING

Eng. Com. Sub. for S. B. 5 - Establishing Adopt-A-Road program

Eng. S. B. 234 - Increasing value at which municipal property must be sold through public auction

Eng. Com. Sub. for S. B. 369 - Authorizing miscellaneous boards and agencies to promulgate legislative rules (original similar to HB2289)

Eng. Com. Sub. for S. B. 427 - Permitting certain teenagers to work without obtaining work permit

Eng. Com. Sub. for S. B. 459 - Requiring county planning commission members be state residents (original similar to HB2818)

SECOND READING

Com. Sub. for S. B. 29 - Allowing physicians assistants to own practice

Com. Sub. for S. B. 50 - Requiring municipal elections to be held on same day as statewide elections (original similar to HB2422)

Com. Sub. for S. B. 124 - Reducing statute of limitations on actions to recover on oral and written contracts

Com. Sub. for S. B. 198 - Prohibiting creation, production, distribution, or possession of artificially generated child pornography

Com. Sub. for S. B. 456 - Defining "men" and "women" (original similar to HB2006)

Com. Sub. for S. B. 482 - Certified Professional Midwife Licensing and Regulation

S. B. 483 - Increasing civil penalties for failure to file required campaign finance reports

S. B. 496 - Removing reflexology and other energy-based work from definition of "massage therapy"

Com. Sub. for S. B. 534 - Clarifying qualifications to be licensed to administer polygraphs

S. B. 537 - Establishing WV Mothers and Babies Pregnancy Support Program

FIRST READING

Com. Sub. for S. B. 484 - Relating to disclosures and penalties associated with use of synthetic media and artificial intelligence

Com. Sub. for S. B. 486 - Clarifying eligibility requirements to vote in WV elections

Com. Sub. for S. B. 488 - Clarifying definition of electioneering

Com. Sub. for S. B. 489 - Relating to election law violation complaints and procedures

S. B. 490 - Prohibiting ranked-choice voting in elections in West Virginia. (original similar to HB2408, HB2683, SB133, SB226)

Com. Sub. for S. B. 552 - Relating to Certified Business Expansion Development Program