

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2025
TWENTY-FOURTH DAY

Charleston, West Virginia, Friday, March 7, 2025

The Senate met at 10:22 a.m.

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

Prayer was offered by the Reverend Robert Fulton, Madison United Methodist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Thursday, March 6, 2025,

At the request of Senator Boley, 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 third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2117—A Bill to amend and reenact §3-3-5 of the Code of West Virginia, 1931, as amended, relating to absentee ballots; requiring applications for absentee ballots to be available at the office of the county clerk and online at the Secretary of State's official website; permitting first responders to vote by electronic absentee ballot in certain emergency circumstances; defining "qualified first responder" and providing examples; providing for submittal and acceptance of qualified first responder absentee voting applications; providing for transmittal of ballots to qualified first responders; providing for processing of received electronic absentee ballots cast by qualified first responders; prohibiting an election official from providing an unsolicited application for absentee voting to any voter; prohibiting any person from providing more than 10 unsolicited applications for absentee voting to any voter; creating a misdemeanor penalty upon conviction for such prohibited activity; providing exceptions; and changing the date when mail in ballots are due.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for Com. Sub. for House Bill 2441—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation; employee eligibility; and providing that an employee who fails random testing for alcohol or illegal controlled substances where alcohol or drug use creates an inherent risk to the health and safety of the employee or others, or the employee is employed in a safety-sensitive position is disqualified for benefits.

Referred to the Committee on the Workforce.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2444—A Bill to amend and reenact §29-22B-1406 of the Code of West Virginia, 1931, as amended, relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery Commission.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2653—A Bill to amend and reenact §4-12-1, §4-12-2, §4-12-3, §4-12-4, §4-12-5, and §4-12-6 of the Code of West Virginia, 1931, as amended, all relating to updating the West Virginia Law Institute.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2709—A Bill to amend and reenact §3-1-41 of the Code of West Virginia, 1931, as amended, relating to permitting a voter with a change of address to vote in his or her current precinct without having to cast a provisional ballot.

Referred to the Committee on Government Organization.

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 20, Requiring funding for increased costs to volunteer fire departments and EMS units.

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

Com. Sub. for Senate Bill 20 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-15-8b, §16-4C-24, §33-3-33, and §33-12C-7 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §15A-11-11a, relating to fire departments and emergency medical service units; providing that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health; creating Fire Service Recruitment and Retention Fund; establishing that the purpose of the fund is to provide grants for recruitment and retention purposes; requiring the State Fire Commission to create a grant program; establishing considerations for awarding grants; providing for rulemaking; requiring State Fire Commission verify eligibility of volunteer fire departments with Legislative Auditor; raising policy surcharge to one percent; allocating disbursements to various funds; raising policy surcharge for surplus lines policies to five percent; and setting internal effective dates.

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,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 20), under the original double committee reference, was then referred to the Committee on Finance.

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 264, Allowing death penalty for intentionally killing law-enforcement officer or first responder in line of duty.

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

Com. Sub. for Senate Bill 264 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-2 and §62-3-15 of the Code of West Virginia, 1931, as amended; to amend the code by adding eleven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, §61-2-2g, §62-7-4, §62-7-5, §62-7-6, and §62-7-6a; and to repeal §61-11-2, relating to permitting the imposition of a death penalty for first degree murder when the victim is a law-enforcement officer or first responder murdered in the performance of his or her official duties; providing for sentencing procedures relating to imposition of death penalty, setting forth aggravating and mitigating circumstances for the imposition of capital punishment; describing contents of sentencing verdict and requiring it be recorded; providing automatic review of death penalty sentence by the Supreme Court of Appeals; providing for forensic DNA testing in death penalty cases; directing the West Virginia Division of Corrections and Rehabilitation to carry out death sentence; authorizing West Virginia Division of Corrections and Rehabilitation to promulgate rules and emergency rules; providing exception for death penalty sentence in murder cases; providing for the execution of death sentence; providing for delivery of sentence of death; providing for transmission of certain court records to warden of the state correctional facility; transferring of person sentenced to death to the state correctional facility; providing for presence

of certain persons at execution; providing for record of execution; and providing for disposition of deceased defendant's body.

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,

Mike Stuart,
Chair.

The bill (Com. Sub. for S. B. 264), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 280, Displaying official US motto in public schools.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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 500, Transferring audits of volunteer fire departments to Legislative Auditor.

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

Com. Sub. for Senate Bill 500 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §8-15-7a of the Code of West Virginia, 1931, as amended, relating to transferring audit authority for volunteer fire companies to the Legislative Auditor.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
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 532, Making ad valorem taxes on property payable only to county in which property is located.

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

Com. Sub. for Senate Bill 532 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §11-13mm-8a, relating to clarifying the county to which ad valorem taxes should be paid when the seat of a well is in a different county than the location of the property from which the well draws; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jason Barrett,
Chair.

Senator Chapman, 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 606, Relating to notification of breast density.

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

Com. Sub. for Senate Bill 606 (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 §16-5A-6, relating to the notification of breast density; and providing for medical guidelines and information given to patients and health care providers.

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,

Laura Wakim Chapman,
Chair.

At the request of Senator Stuart, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

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

Your Committee on Education has had under consideration

Senate Bill 646, Extending non-traditional instruction days for WV teachers from five to 10.

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

Com. Sub. for Senate Bill 646 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to increasing from five to 10 the number of days, commonly referred to as non-traditional instruction days, a county board can deliver instruction through alternative methods when schools are closed due to inclement weather or other unforeseen circumstances and those days be considered instructional days, subject to approval of its plan by the state board; and prohibiting out-of-calendar days from being used to offset the loss of separate instructional days.

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,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 646), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 649, Supplementing and amending appropriations to Department of Health, Office of Inspector General.

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

Respectfully submitted,

Jason Barrett,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 650, Relating to full-time interventionists.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 652, Expanding cardiac arrest provisions to be applicable to elementary schools.

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

Com. Sub. for Senate Bill 652 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-22e of the Code of West Virginia, 1931, as amended, relating to expanding provisions pertaining to cardiac arrest to be applicable to elementary schools; requiring cardiac response plans to be venue specific and practiced annually; requiring schools to develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or similar life-threatening emergency while on school grounds outside of athletic events; and imposing certain cardiac arrest-related requirements on coaches and any other personnel supervising a youth sports league team that plays or practices on school grounds.

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,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 652), under the original double committee reference, was then referred to the Committee on Finance.

Senator Chapman, 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 710, Relating to the practice of teledentistry.

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

Com. Sub. for Senate Bill 710 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-4-3 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §30-4-8b, relating to the practice of dentistry; defining terms; setting forth the requirements for teledentistry licensure or registration; setting forth the standard of care for teledentistry; setting forth the requirements to establish a provider-patient relationship for teledentistry; setting forth exceptions to the provider-patient relationship for teledentistry; setting forth prerequisites to services for teledentistry; setting forth required disclosures for teledentistry; setting forth informed consent for teledentistry; setting forth record-keeping requirements for teledentistry; setting forth patient privacy requirements for teledentistry; setting forth provider competency requirements for teledentistry; requiring rulemaking; setting forth disciplinary proceedings for teledentistry; and setting forth disciplinary procedures teledentistry.

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,

Laura Wakim Chapman,
Chair.

The bill (Com. Sub. for S. B. 710), under the original double committee reference, was then referred to the Committee on Finance.

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 109, Neighborhood Assistance and Rejuvenation Compact Act.

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

Com. Sub. for Senate Bill 109 (originating in the Select Committee on Substance Use Disorder and Mental Health)—A Bill to amend the Code of West Virginia, 1931, as amended by adding two new articles, designated §11-18-1, §11-18-2, §11-18-3, §11-18-4, §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, §15-1L-5, §15-1L-6, §15-1L-7, §15-1L-8, and §15-1L-9, relating to creating a program to reward citizens for information on drug trafficking; providing findings and intent; defining terms; creating an excise tax on opioid antagonists, opioid antagonist kits, and test strips; creating a special revenue account; providing a short title; setting out a purpose; providing definitions; establishing a program for providing rewards for pertinent information; placing the program with the State Police; giving the Secretary of Homeland Security jurisdiction over the program; setting out privacy requirements; providing for exclusions; authorizing funding; requiring an application; exempting the reward from taxation and other legal processes; and providing for rulemaking.

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. 109), under the original double committee reference, was then referred to the Committee on Finance.

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 204, Making opioid treatment programs unlawful.

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

Com. Sub. for Senate Bill 204 (originating in the Select Committee on Substance Use Disorder and Mental Health)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §16-5EE-1, §16-5EE-2, §16-5EE-3, §16-5EE-4, and §16-5EE-5, relating to opioid treatment programs; defining terms; requiring opioid treatment programs to have an integrated care model; allowing for an administrative time frame for referral; requiring the imposition of fees for noncompliance; permitting injunctive relief; and requiring rulemaking.

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

Respectfully submitted,

Brian Helton,
Chair.

The bill (Com. Sub. for S. B. 204), under the original double committee reference, was then referred to the Committee on Health and Human Resources.

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

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

Respectfully submitted,

Brian Helton,
Chair.

At the request of Senator Helton, unanimous consent being granted, the resolution (S. C. R. 14) contained in the foregoing report from the Select Committee on Substance Use Disorder and Mental Health was then referred to the Committee on Rules.

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 Helton:

Senate Bill 723—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §9-5-29b, relating to clinical inpatient medical treatment centers for substance use disorder; defining terms; setting forth requirements for clinical inpatient medical treatment centers for substance use disorder; setting forth reporting requirements; and providing for revocation of license for non-compliance.

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

By Senator Barrett:

Senate Bill 724—A Bill to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as amended; and to repeal §11-8-6e, relating to taxation; providing for a phased-in increase in the homestead exemption; providing that change to exemption contingent on passage of constitutional amendment; and repealing limitation on levy rates resulting in property tax increase.

Referred to the Committee on Finance.

By Senator Grady:

Senate Bill 725—A Bill to amend and reenact §11-8-26 of the Code of West Virginia, 1931, as amended, relating to clarifying the limitations under which local fiscal bodies may obligate funds beyond a period of one year.

Referred to the Committee on Finance.

By Senator Helton:

Senate Bill 726—A Bill to amend the Code of West Virginia, 1931, as amended, by adding two new sections, designated §16B-13-14 and §16B-13-15, relating to office-based, medication-assisted treatment programs and opioid treatment programs; requiring these facilities to provide basic medical services by October 1, 2025; requiring these facilities to offer comprehensive medical services by April 1, 2026; and requiring auditing of dosage levels for patients on a tapering protocol.

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

By Senator Stuart:

Senate Bill 727—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §9-5-34, relating to child welfare study; directing study of child welfare system be conducted by independent third party; identifying scope of study; requiring presentation of written report and findings by certain date; requiring confidentiality agreement of the independent third party; and requiring Department of Human Services to pay for study.

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

By Senator Barrett:

Senate Joint Resolution 14—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to phased-in homestead exemption increases; 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 eighth order of business.

Eng. Com. Sub. for Senate Bill 22, Applying penalties for nonpayment of royalties under terms of oil and natural gas leases.

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, Boley, Chapman, Charnock, Clements, 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, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

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. 22) 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 117, Exempting certain physicians from specified traffic laws when responding to emergencies.

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

Senator Takubo requested unanimous consent to offer an amendment to the bill on third reading.

Which consent was not granted, Senator Rose objecting.

Senator Takubo then moved to amend the bill on third reading.

The question being on the adoption of Senator Takubo's aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Weld demanded a division of the vote.

A standing vote being taken, there were 19 "yeas" and 15 "nays".

Whereupon, less than two thirds of the members present and voting having voted in the affirmative, the President declared Senator Takubo's aforestated motion had not prevailed.

Engrossed Committee Substitute for Senate Bill 117 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 117 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, 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, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

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. 117) 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 267, Extending time for renewal and restoration of commercial driver's licenses.

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, Boley, Chapman, Charnock, Clements, 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, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

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. 267) 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 503, Allowing sheriffs to appoint more than one chief deputy with consent of county commission.

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, Boley, Chapman, Charnock, Clements, 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, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

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. 503) 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 573, Relating to restrictions on use or sale of motor vehicles based on power source.

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, Boley, Chapman, Charnock, Clements, 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, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

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. 573) 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 121, Updating language and increasing penalties for indecent exposure.

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 155, Establishing Summer Feeding for All 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 196, Increasing penalties for drug possession and updating list of offenses.

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.

Com. Sub. for Senate Bill 199, Relating to elementary behavior intervention and safety.

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

On motion of Senator Grady, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 2, section 1, lines 22 and 23, by striking out the words "or school psychologist" and inserting in lieu thereof the words "school psychologist, or behavior interventionist";

On page 4, section 1, lines 62 through 64, by striking out all of subsection (d) and inserting in lieu thereof a new subsection (d), to read as follows:

(d) Notwithstanding anything in this section to the contrary, nothing herein may be construed to conflict with or be applied to conflict with the provisions of the Individuals with Disabilities

Education Act, 20 U.S.C. §1400, et seq. or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.;

On page 6, section 1, lines 121 and 122, by striking out the words "or school psychologist" and inserting in lieu thereof the words "school psychologist, or behavior interventionist";

On page 6, section 1, line 123, by striking out the words "or school psychologist" and inserting in lieu thereof the words "school psychologist, or behavior interventionist";

On page 6, section 1, line 128, by striking out the words "or school psychologist" and inserting in lieu thereof the words "school psychologist, or behavior interventionist";

And,

On page 9, section 1, lines 206 and 207, by striking out the words "or school psychologists" and inserting in lieu thereof the words "school psychologists, or behavioral interventionists".

Following discussion,

The question being on the adoption of Senator Grady's amendments to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 199), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 325, Department of Health rule relating to general provisions of Medical Cannabis 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 458, Universal Professional and Occupational Licensing Act of 2025.

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 485, Exempting West Virginia Secretary of State from competitive bidding process.

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

Senate Bill 492, Removing outdated provisions governing political committees.

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 522, Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State.

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.

Com. Sub. for Senate Bill 525, Clarifying procedure for administrative dissolution of nonprofit corporations by Secretary of State.

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.

Com. Sub. for Senate Bill 565, Relating generally to practice of optometry.

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

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk:

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

ARTICLE 8. OPTOMETRISTS.

§30-8-9. Scope of practice.

(a) A licensee may:

(1) Examine, diagnose and treat diseases and conditions of the human eye and its appendage within the scope established in this article or associated rules;

(2) Administer or prescribe any drug for topical application to the anterior segment of the human eye for use in the examination, diagnosis or treatment of diseases and conditions of the human eye and its appendages: *Provided*, That the licensee has first obtained a certificate;

(3)(A) Administer or prescribe any drug from the drug formulary, as established by the board pursuant to section six of this article, for use in the examination, diagnosis or treatment of diseases and conditions of the human eye and its appendages: *Provided*, That the licensee has first obtained a certificate;

(B) New drugs and new drug indications may be added to the drug formulary by approval of the board;

(4) Administer epinephrine by injection to treat emergency cases of anaphylaxis or anaphylactic shock;

(5) Prescribe and dispense contact lenses that contain and deliver pharmaceutical agents and that have been approved by the Food and Drug Administration as a drug;

(6) Prescribe, fit, apply, replace, duplicate or alter lenses, prisms, contact lenses, orthoptics, vision training, vision rehabilitation;

(7) Perform the following procedures:

(A) Remove a foreign body from the ocular surface and adnexa utilizing a noninvasive method;

(B) Remove a foreign body, external eye, conjunctival, superficial, using topical anesthesia;

(C) Remove embedded foreign bodies or concretions from conjunctiva, using topical anesthesia, not involving sclera;

(D) Remove corneal foreign body not through to the second layer of the cornea using topical anesthesia;

(E) Epilation of lashes by forceps;

(F) Closure of punctum by plug; and

(G) Dilation of the lacrimal puncta with or without irrigation;

(8) Furnish or provide any prosthetic device to correct or relieve any defects or abnormal conditions of the human eye and its appendages;

(9) Order laboratory tests rational to the examination, diagnosis, and treatment of a disease or condition of the human eye and its appendages;

(10) Use a diagnostic laser; and

(11) A licensee is also permitted to perform those procedures authorized by the board prior to January 1, 2010.

(b) A licensee may not:

(1) Perform surgery except as provided in this article or by legislative rule;

(2) Use a therapeutic laser;

(3) Use Schedule II controlled substances. However, an oral pharmaceutical certified licensee may prescribe hydrocodone and hydrocodone containing drugs for a duration of no more than three days;

(4) Treat systemic disease; or

(5) Present to the public that he or she is a specialist in surgery of the eye.

(c) Any party including but not limited to the Board of Optometry shall submit a request to expand the scope of optometrists to include the delivery of specific therapeutic laser services to the Joint Standing Committee on Government Organization pursuant to §30-1A-1 et seq.

Following discussion,

The question being on the adoption of Senator Takubo's amendment to the bill (Com. Sub. for S. B. 565), and on this question, Senator Weld demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Bartlett, Boley, Charnock, Deeds, Fuller, Jeffries, Oliverio, Phillips, Queen, Stuart, Takubo, Tarr, Weld, and Woodrum—15.

The nays were: Azinger, Chapman, Clements, Garcia, Grady, Hamilton, Hart, Helton, Martin, Maynard, Morris, Roberts, Rose, Rucker, Taylor, Thorne, Willis, Woelfel, and Smith (Mr. President)—19.

Absent: None.

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

On motion of Senator Takubo, the following amendments to the bill (Com. Sub. for S. B. 565) were next reported by the Clerk and considered simultaneously:

On page 9, section 4, line 3, after the words "completion of" by striking out the word "the";

And,

On page 9, section 4, line 3, after the word "training" by inserting the words "including but not limited to a training requirement that at least 10 of each new procedure must be supervised for a total of 50 collective cases for each individual person proposing certification shall be proctored by an optometrist or ophthalmologist that already meets the above criteria and submitted to the board for review and any additional requirements as".

Following extended discussion,

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

The roll being taken, the yeas were: Barrett, Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Grady, Jeffries, Morris, Oliverio, Phillips, Queen, Stuart, Takubo, Tarr, Weld, Woelfel, and Woodrum—19.

The nays were: Azinger, Chapman, Garcia, Hamilton, Hart, Helton, Martin, Maynard, Roberts, Rose, Rucker, Taylor, Thorne, Willis, and Smith (Mr. President)—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's amendments to the bill adopted.

On motion of Senator Takubo, the following amendment to the bill (Com. Sub. for S. B. 565) was next reported by the Clerk:

On page 11, section 6, after line 13, by adding a new subsection, designated subsection (f), to read as follows:

(f) The certificate holder shall obtain an informed consent from the patient indicating that the patient has been informed that the certificate holder has not completed at least 10 of each new procedure for a total of 50 collective cases of the new procedures outlined in §30-8B-6 of this code.

At the request of Senator Takubo, and by unanimous consent, Senator Takubo's foregoing amendment to the bill was withdrawn.

The bill (Com. Sub. for S. B. 565), as amended, was then ordered to engrossment and third reading.

Senate Bill 611, Excluding workers of ski area operators from maximum hour requirements.

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 referred to the Committee on Rules.

Senate Bill 612, Making rules and regulations of PSC subject to legislative rule-making review procedures.

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 627, Removing prohibition against leasing state-owned pore spaces underlying lands designated as state parks.

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.

Senate Bill 257, Providing protection for property owner when someone visiting private cemetery causes damage to property.

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

Senate Bill 501, Relating to loan form.

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

Com. Sub. for Senate Bill 521, Requiring party affiliations be listed for all candidates.

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

Senate Bill 561, Relating to Uniform Special Deposits Act.

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

The Senate next 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 March 6, 2025:

Senate Bill 474: Senator Woelfel;

And,

Senate Bill 720: Senator Rose.

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 resolution on March 6, 2025:

Senate Bill 20: Senators Rucker and Deeds;

Senate Bill 43: Senator Woodrum;

Senate Bill 264: Senator Deeds;

Senate Bill 280: Senators Hart, Bartlett, Deeds, and Martin;

Senate Bill 500: Senator Deeds;

Senate Bill 526: Senator Rose;

Com. Sub. for Senate Bill : Senator Deeds;

Senate Bill 652: Senator Deeds;

Senate Bill 699: Senator Rose;

Senate Bill 719: Senator Rose;

Senate Bill 721: Senator Thorne;

And,

Senate Joint Resolution 2: Senator Helton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 11:52 a.m., the Senate adjourned until Monday, March 10, 2025, at 11 a.m.

SENATE CALENDAR

Monday, March 10, 2025
11:00 AM

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

THIRD READING

Eng. Com. Sub. for S. B. 121 - Updating language and increasing penalties for indecent exposure

Eng. Com. Sub. for S. B. 155 - Establishing Summer Feeding for All Program (original similar to HB3254)

Eng. Com. Sub. for S. B. 199 - Relating to elementary behavior intervention and safety

Eng. Com. Sub. for S. B. 325 - Department of Health rule relating to general provisions of Medical Cannabis Program (original similar to HB2245)

Eng. Com. Sub. for S. B. 458 - Universal Professional and Occupational Licensing Act of 2025 (original similar to HB2001)

Eng. Com. Sub. for S. B. 485 - Exempting West Virginia Secretary of State from competitive bidding process

Eng. S. B. 492 - Removing outdated provisions governing political committees

Eng. Com. Sub. for S. B. 565 - Relating generally to practice of optometry (original similar to HB2975)

Eng. S. B. 612 - Making rules and regulations of PSC subject to legislative rule-making review procedures

Eng. Com. Sub. for S. B. 627 - Removing prohibition against leasing state-owned pore spaces underlying lands designated as state parks

SECOND READING

Com. Sub. for S. B. 196 - Increasing penalties for drug possession and updating list of offenses (original similar to HB2613)

S. B. 257 - Providing protection for property owner when someone visiting private cemetery causes damage to property

S. B. 501 - Relating to loan form

Com. Sub. for S. B. 521 - Requiring party affiliations be listed for all candidates

Com. Sub. for S. B. 522 - Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State

Com. Sub. for S. B. 525 - Clarifying procedure for administrative dissolution of nonprofit corporations by Secretary of State

S. B. 561 - Relating to Uniform Special Deposits Act (original similar to HB2745)

FIRST READING

S. B. 280 - Displaying official US motto in public schools

Com. Sub. for S. B. 500 - Transferring audits of volunteer fire departments to Legislative Auditor

Com. Sub. for S. B. 532 - Making ad valorem taxes on property payable only to county in which property is located

Com. Sub. for S. B. 606 - Relating to notification of breast density

S. B. 649 - Supplementing and amending appropriations to Department of Health, Office of Inspector General

S. B. 650 - Relating to full-time interventionists

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2025

Monday, March 10, 2025

9:30 a.m.	Government Organization	(Room 208W)
1 p.m.	Transportation & Infrastructure	(Room 451M)
1 p.m.	Workforce	(Room 208W)
2 p.m.	Pensions	(Room 451M)