

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, March 11, 2025

The Senate met at 11:02 a.m.

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

Prayer was offered by the Honorable T. Kevan Bartlett, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rupie Phillips, a senator from the seventh district.

Pending the reading of the Journal of Monday, March 10, 2025,

At the request of Senator Hart, 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 amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

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

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 4, section 4, line 5, following the word "circumstances" by inserting the words "Provided, That nothing in this article may be construed as authorizing any person other than a treating health care provider to visually or physically examine a minor child for purposes of verifying the biological sex of the child without the consent of the child's parent, guardian, or custodian";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 456—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5-32-1, §5-32-2, §5-32-3, §5-32-4, §5-32-5, §5-32-6, §5-32-7, §5-32-8, and §5-32-9, relating to sex definitions and single-sex spaces; providing purposes and general application; providing findings; creating definitions; establishing a standard of review; clarifying that the article does not authorize certain examinations of minor children; providing for certain standards applicable to domestic violence shelters, public schools, institutions of higher education, and correctional institutions; clarifying certain sex-based data collection; and providing for severability.

On motion of Senator Martin, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 456) were reported by the Clerk and considered simultaneously:

On page 4, section 4, line 5, after the word "article" by striking the remainder of the proviso and inserting in lieu thereof the words "shall be construed as authorizing an examination of a minor for purposes of determining the minor's biological sex. The biological sex of a minor is determined by reference to the minor's biological sex recorded at the minor's time of birth.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 456—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5-32-1, §5-32-2, §5-32-3, §5-32-4, §5-32-5, §5-32-6, §5-32-7, §5-32-8, and §5-32-9, relating to sex definitions and single-sex spaces; providing purposes and general application; providing findings; creating definitions; establishing a standard of review; clarifying that the article does not authorize certain examinations of minor children; providing that determination of the biological sex of a minor is determined at the minor's time of birth; providing for certain standards applicable to domestic violence shelters, public schools, institutions of higher education, and correctional institutions; clarifying certain sex-based data collection; and providing for severability.

Following discussion,

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

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 456, as amended, was then put upon its passage.

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

The nays were: Garcia—1.

Absent: Queen—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 456) passed with its Senate amended title.

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

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 2129—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §49-12-1, §49-12-2, §49-12-3, §49-12-4, and §49-12-5 all relating to the Parents' Bill of Rights; creating a short title; providing legislative findings; creating definitions; creating a standard of review; clarifying parental rights; creating a defense; providing for certain injunctive relief; providing applicability; and providing certain limitations.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2267—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Alcohol Beverage Control Administration to promulgate a legislative rule relating to private clubs; authorizing the Alcohol Beverage Control Administration to promulgate a legislative rule relating to the sale of wine and hard cider; authorizing the Alcohol Beverage Control Administration to promulgate a legislative rule relating to tobacco products in vending machines; authorizing the Alcohol Beverage Control Administration to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries; authorizing the Alcohol Beverage Control Administration to promulgate a legislative rule relating to retail enforcement of select plant-based derivatives and derivative products, including hemp and kratom; authorizing the Alcohol Beverage Control Administration to promulgate a legislative rule relating to nonintoxicating beer licensing and operations procedures; authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare Supplement Insurance; authorizing the Lottery Commission to promulgate a legislative rule relating to sports wagering; authorizing the Tax Division to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the Tax Division to promulgate a legislative rule relating to alternative resolution of tax disputes; authorizing the Tax Division to promulgate a legislative rule relating to consumer sales and service and use tax for drugs, durable medical goods, mobility enhancing equipment and prosthetic devices per se exemption and motor vehicle per se exemption; and authorizing the Tax Division to promulgate a legislative rule relating to the exchange of information pursuant to written agreement.

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. Com. Sub. for House Bill 2560—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1 §5B-2P-2, and §5B-2P-3, relating to establishing Infrastructure Ready Jurisdictions; establishing the requirement for this designation; establishing rulemaking for these Infrastructure Ready Jurisdictions for the Department of Economic Development; awarding an additional five percent preferential scoring for entities on projects within these jurisdictions on all permissible grants; and providing that this is not available within an uncertified municipality even if the surrounding county or counties are certified.

Referred to the Committee on Economic Development; and then 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. House Bill 2678—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to clarifying that school zones include private schools that have requested the Division of Highways to designate a school zone.

Referred to the Committee on Transportation and Infrastructure.

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 2710—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §29-19A-1, §29-19A-2, §29-19A-3, §29-19A-4, and §29-19A-5, relating to the Truth in Giving Act; providing a short title and purpose; defining terms; requiring certain information to be disclosed by thrift operators to donors and customers; specifying manner of disclosure; authorizing the Secretary of State to investigate violations; establishing criminal and civil penalties; providing for deposit of recovered funds; and authorizing Secretary of State to promulgate legislative rules.

Referred to the Committee on the Judiciary; and then 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 Com. Sub. for House Bill 2871—A Bill to amend and reenact §14-2A-3 of the Code of West Virginia, 1931, as amended, related to updating definitions to "criminally injurious conduct"; also to amend and reenact §17B-1A-1 of the Code of West Virginia, 1931, as amended, relating to the driver's license compact and clarifying that any conviction for an offense in another jurisdiction for the crimes contained within §17C-5-1 shall be subject to revocation; also to amend and reenact §17B-3-5 of the Code of West Virginia, 1931, as amended, relating to update that a conviction of any offense contained within 17C-5-1 shall be subject to revocation; also to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to adding an embryo as a protected person and subject to the protections of this section, establishing the crimes of vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, vehicular homicide in a construction zone, and establishing fines and penalties related thereto, and establishing the nexus between a conviction of any of these offenses and the revocation of a person's driver's license; also to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to reckless driving and updating and enhancing the fines and

penalties relating thereto; also to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to amending the electronically distracted driving act to clarify that a person convicted of causing the death of another due to a violation shall now be guilty of vehicular homicide; also to amend and reenact §17E-1-13 of the Code of West Virginia, 1931, as amended, relating to updating the commercial drivers license process to clarify that a conviction of an offense in 17C-5-1 shall disqualify a person from a commercial driver's license; also to amend and reenact §20-7-18a of the Code of West Virginia, 1931, as amended, relating to establishing the crimes of homicide by operation of motorized watercraft, aggravated homicide by operation of motorized watercraft, establishing fines and criminal penalties, and suspension of privileges to operate a motorboat or other motorized vessel upon conviction; also to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to cancellation and nonrenewal of automobile insurance premiums and updating to reflect the newly established crimes contained in §17C-5-1 of this code; also to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to clarifying that a conviction for a crime in the newly created §17C-5-1 of this code shall constitute a basis for failure renew an outstanding automobile liability or physical damage insurance policy which has been in existence for two consecutive years; also to amend and reenact §49-1-207 of the Code of West Virginia, 1931, as amended, relating to updating that definitions in court actions involving juveniles to clarify that newly created criminal provisions contained in §17C-5-1 are defined as a "Violation of a traffic law of West Virginia"; also to amend and reenact §61-2-30 of the Code of West Virginia, 1931, as amended, relating to recognition of an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person and clarifying that this section shall now apply to the criminal offenses contained in §17C-5-1 of this code.

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 2942—A Bill to amend and reenact §22-34-5 of the Code of West Virginia, 1931, as amended, related to the administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program, extending and revising the sunset provision to December 31, 2027.

Referred to the Committee on Energy, Industry, and Mining; and then 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. House Bill 2943—A Bill to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, related to extending the sunset date of the hazardous waste management fee for five years to allow the agency to generate the required revenue to cover the state match for federal grant funds.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 1, Requiring PSC to be clearinghouse for state road paving projects.

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

Com. Sub. for Senate Bill 1 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §17-4-8a, relating to road paving and utility work coordination; defining terms; requiring reports by utilities; requiring report review by the Division of Highways and posting of information on its website; and requiring restoration work by utilities.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 1), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Maynard, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 67, Allowing motor vehicle racing on county or municipal roads under certain circumstances.

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

Com. Sub. for Senate Bill 67 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §17-2-3; and to repeal §7-1-3qq, relating to racing events; authorizing Department of Transportation to permit motor vehicle racing events and impose permit fee; defining terms; imposing permit issuance requirements; making certain laws inapplicable to racing events; and providing for liability and indemnification.

And,

Senate Bill 464, Creating license plate for recipients of Medal of Valor and their immediate family members.

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

Com. Sub. for Senate Bill 464 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14g of the Code of West Virginia, 1931, as

amended, relating to the issuance of special plates to recipients of the distinguished Medal of Valor; providing for plate design by Division of Motor Vehicles; specifying fees; and providing application and qualification requirements.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bills (Com. Sub. for S. B. 67 and 464), under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on the Workforce has had under consideration

Senate Bill 263, Relating to use of criminal records as disqualification from authorization to practice particular profession.

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

Com. Sub. for Senate Bill 263 (originating in the Committee on the Workforce)—A Bill to amend and reenact §21-1-6, §21-5-5c, §21-14-6, §21-16-7, §29-3B-4, §29-3C-4, and §29-3D-6 of the Code of West Virginia, 1931, as amended, relating generally to the use of criminal records as disqualification from initial licensure or other authorization to practice certain professions or occupations regulated by the Division of Labor or the State Fire Marshal; prohibiting licensing authorities from disqualifying an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that directly and specifically relates to the activity requiring licensure such that granting the applicant licensure would pose a direct and substantial risk to the public because the applicant has not been rehabilitated; providing factors for a licensing authority to determine whether a criminal conviction directly and specifically relates to a profession or occupation; providing evidence of rehabilitation or treatment undertaken by the individual to be considered by a licensing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation; clarifying that a licensing authority may not disqualify an applicant from initial licensure because of a prior criminal conviction if certain criteria are met; authorizing an individual who has not previously held a license from the licensing authority to petition the authority for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license; prohibiting a licensing authority from considering or from requiring an individual to disclose an arrest not followed by conviction in an application for initial licensure or determination of qualification for license; requiring licensing authorities to update licensure forms, relevant public-facing documents, and website; providing that the Commission of Labor may not disqualify an applicant from initial licensure as a psychophysiological detection of deception examiners because of a prior felony conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to practicing as an examiner; and clarifying the qualifications required to be licensed as a Class I or Class II psychophysiological detection of deception examiner.

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,

Rollan A. Roberts,
Chair.

The bill (Com. Sub. for S. B. 263), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

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

Senate Bill 271, Natural Resources Anti-Commandeering Act.

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

Com. Sub. for Senate Bill 271 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, and §22-35-5, relating generally to creating the Natural Resources Anti-Commandeering Act; stating legislative findings; prohibiting agencies of this state and political subdivisions or employees thereof from knowingly and willingly participating in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; prohibiting assets or funds of the state from being used in activity assisting enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; providing penalties therefor; and providing for severability.

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,

Christopher A. Rose,
Chair.

The bill (Com. Sub. for S. B. 271), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 474, Ending diversity, equity, and inclusion programs.

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

Com. Sub. for Senate Bill 474 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding two new articles, designated §5-33-1, §5-33-2, §5-33-3, §18B-1G-1, §18B-1G-2, §18B-1G-3, §18B-1G-4, §18B-1G-5; and to amend the code by adding four new sections, designated §18-2-9b, §18-5-29, §18B-14-5, and §18B-14-6, relating to the elimination of diversity, equity, and inclusion programs, trainings, activities, offices, and officers from the executive branch, primary and secondary schools, and institutions of higher education of the state; setting forth legislative findings; defining terms; providing for a complaint and appeals process for parents and guardians of students aggrieved under the bill; requiring reporting from school principals, county superintendents, and the state superintendent; providing county board and public charter school employees with immunity from civil liability; requiring institutions of higher education to report on its efforts to eliminate diversity, equity, and inclusion programs and offices; and requiring state institutions of higher education to reallocate any unexpended funds that would have been expended on diversity, equity, and inclusion projects.

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

Respectfully submitted,

Mike Stuart,
Chair.

The bill (Com. Sub. for S. B. 474), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 513, Relating generally to video lottery.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

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

Your Committee on Government Organization has had under consideration

Senate Bill 526, Creating the Pharmacist Prescribing Authority Act.

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

Com. Sub. for Senate Bill 526 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §30-5A-1, §30-5A-2, §30-5A-3, and §30-5A-4, relating to creating the Pharmacist Prescribing Authority Act; authorizing pharmacists to prescribe low-risk medications to patients; listing the limitations of the prescriptions that fall under that authority; and exempting addition to scope of pharmacy practice from sunrise review.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

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

Senate Bill 592, Relating generally to above ground storage tanks.

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

Com. Sub. for Senate Bill 592 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-30-3, §22-30-5, and §22-30-6 of the Code of West Virginia, 1931, as amended, relating generally to aboveground storage tanks; modifying an exception to the definition of an aboveground storage tank to except out devices having a capacity of 210 barrels or less, containing brine water or other fluids produced in connection with hydrocarbon transmission and storage, as well as production activities, that are not located in a zone of critical concern; providing an exemption to devices having a capacity of 210 barrels or less and not located in a zone of critical concern, which is located at a lawfully permitted coal mining site; providing that the secretary may not, as part of the regulatory program, require any regulated tanks to be lifted, moved, or otherwise physically altered in connection with a visual leak detection program in the absence of a confirmed release; providing that tanks used for hydrocarbon production, transportation, or storage activities and tanks used for roadway snow and ice pretreatment, as identified under certain sections of code that are located in a zone of critical concern, are exempt from inspection and certification by a third party, but must be self-inspected, self-certified, and reported to Department of Environmental Protection by its owner or operator at least once per year; and providing that tanks used for hydrocarbon production, transportation, and storage activities and tanks used for roadway snow and ice pretreatment, as identified under certain sections of code that are located in a zone of critical concern are required to have secondary containment inspections performed and documented by the owner or operator at least once per month.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Christopher A. Rose,
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 604, Requiring Department of Human Services to notify PSC that person is eligible for discount on utility bills.

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

Com. Sub. for Senate Bill 604 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §24-2A-1 and §24-2A-5 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Human Services to notify the Public Service Commission that a person is eligible for a discount on his or her utility bills; requiring the commission to order the utility to apply the reduced rate without requiring an application from the customer; amending manner in which applicable monthly discount is calculated; clarifying that eligibility for discount is limited to named beneficiary recipients and their spouses; and requiring the Department of Health and the Public Service Commission to adopt rules to implement those requirements.

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

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

Your Committee on the Workforce has had under consideration

Senate Bill 610, Abolishing tax on overtime pay.

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

Com. Sub. for Senate Bill 610 (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §11-21-12o, relating to exempting overtime compensation from the personal income tax.

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,

Rollan A. Roberts,
Chair.

The bill (Com. Sub. for S. B. 610), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 694, Protecting state and local government systems and data from foreign entities.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Senator Oliverio, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 712, Relating to retirement provisions of systems managed by CPRB.

And,

Senate Bill 716, Relating to failure to pay required contributions and interest payments for certain retirees who transfer between retirement systems.

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

Respectfully submitted,

Michael A. Oliverio II,
Chair.

At the request of Senator Barrett, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Pensions.

Senator Oliverio, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 715, Relating to personally identifiable information of member, retirant, beneficiary, or alternate payee of retirement system.

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

Com. Sub. for Senate Bill 715 (originating in the Committee on Pensions)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §5-10D-15, relating to personally identifiable information of a member, retirant, beneficiary, or alternate payee of a retirement system administered by the Consolidated Public Retirement Board being confidential and exempt from disclosure.

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,

Michael A. Oliverio II,
Chair.

At the request of Senator Barrett, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2042, Relating to allowing a guardian ad litem to request the appointment of a court appointed special advocate.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

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 Senator Rucker:

Senate Bill 731—A Bill to repeal §5-22A-1, §5-22A-2, §5-22A-3, §5-22A-4, §5-22A-5, §5-22A-6, §5-22A-7, §5-22A-8, §5-22A-9, §5-22A-10, §5-22A-11, §5-22A-12, §5-22A-13, §5-22A-14, §5-22A-15, and §5-22A-16 of the Code of West Virginia, 1931, as amended, relating to the Design Build Board and design-build projects.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 732—A Bill to amend and reenact §16A-3-2, §16A-3-3, §16A-8-1, and §60A-9-4 of the Code of West Virginia, 1931, as amended, relating generally to medical cannabis; modifying allowable forms of medical cannabis to include edible form; specifying certain requirements applicable to medical cannabis dispensed in edible form; modifying the unlawful use of medical cannabis; relating to the Controlled Substance Monitoring Program Database; adding the reporting of dispensing medical cannabis to the Controlled Substance Monitoring Program Database; and requiring certain information for controlled substances monitoring.

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

By Senator Maynard:

Senate Bill 733—A Bill to amend and reenact §4-14-3 of the Code of West Virginia, 1931, as amended, relating to the membership composition of the Legislative Oversight Commission on Department of Transportation Accountability; and clarifying how to fill vacancies when a chamber has fewer than three minority party members.

Referred to the Committee on Transportation and Infrastructure.

By Senator Rucker:

Senate Bill 734—A Bill to repeal §22-15A-21 of the Code of West Virginia, 1931, as amended, relating to the A. James Manchin Rehabilitation Environmental Action Plan's procurement of recycled products.

Referred to the Committee on Government Organization.

By Senators Deeds, Fuller, and Woodrum:

Senate Bill 735—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new article, designated §5B-4-1, §5B-4-2, §5B-4-3, §5B-4-4, §5B-4-5, §5B-4-6, §5B-4-7, §5B-4-8, §5B-4-9, §5B-4-10, §5B-4-11, §5B-4-12, §5B-4-13, §5B-4-14, §5B-4-15, §5B-4-16, §5B-4-17, §5B-4-18, §5B-4-19, §5B-4-20, §5B-4-21, §5B-4-22, and §5B-4-23, relating to the Broadband Development Program; providing a short title; providing legislative findings and purpose; providing definitions; establishing individual and joint powers of public agencies; creating a joint development between public agencies; providing appropriation of funds; exempting Division of Highways from broadband placement; creating a board and the composition, compensation, and duties associated with the board; providing an annual audit; providing eminent domain; providing competitive bids; clarifying costs; authorizing of and refunding of revenue bonds; providing a trust indenture; providing exemptions; authorizing a sinking fund; clarifying the collection of revenue and enforcement; creating a statutory mortgage lien; clarifying rates and charges; and establishing liability exemptions.

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

By Senator Rucker:

Senate Bill 736—A Bill to amend and reenact §6B-3-3 of the Code of West Virginia, 1931, as amended, relating to the publication of registered lobbyist information.

Referred to the Committee on Government Organization.

By Senators Hamilton, Deeds, Thorne, Woelfel, and Woodrum:

Senate Bill 737—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §19-40-1, §19-40-2, §19-40-3, and §19-40-4, relating to creating the West Virginia Farm Equipment Right to Repair Pilot Program; stating legislative findings; providing definitions; specifying pilot program parameters; and authorizing rulemaking.

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

By Senator Rucker:

Senate Bill 738—A Bill to repeal §5A-1A-1, §5A-1A-2, §5A-1A-3, §5A-1A-4, and §5A-1A-5 of the Code of West Virginia, 1931, as amended, relating to the Employee Suggestion Award Board.

Referred to the Committee on Government Organization.

Senators Helton, Rose, Azinger, Martin, Maynard, Phillips, Rucker, Taylor, and Thorne offered the following resolution:

Senate Concurrent Resolution 18—Recognizing an intent to create the West Virginia Coal Renaissance Act.

Which, under the rules, lies over one day.

Senator Smith (Mr. President) offered the following resolution:

Senate Resolution 21—Designating March 12, 2025, as West Virginia Tourism Day at the Legislature.

Which, under the rules, lies over one day.

Senators Chapman and Weld offered the following resolution

Senate Resolution 22—Recognizing the 175th anniversary of Wheeling Hospital in Wheeling, West Virginia.

Which, under the rules, lies over one day.

Senator Smith (Mr. President) offered the following resolution:

Senate Resolution 23—Memorializing the life of Janie Lou White, loving mother, sister, aunt, friend, and Executive Director of the Preston County Senior Citizens Program.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 196, Lauren's Law.

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

At the request of Senator Martin, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar.

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

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, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Queen—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 257) passed with its title.

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

Eng. Senate Bill 501, Relating to loan form.

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, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Queen—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 501) 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 522, Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State.

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, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Queen—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 522) 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 525, Clarifying procedure for administrative dissolution of nonprofit corporations by Secretary of State.

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, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Queen—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 525) passed with its title.

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

Eng. Senate Bill 561, Relating to Uniform Special Deposits Act.

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, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Queen—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 561) passed with its title.

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

The end of today's third reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill 196, Lauren's Law.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 196 pass?"

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

The nays were: Garcia—1.

Absent: Queen—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 196) passed.

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

Eng. Com. Sub. for Senate Bill 196—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, §60A-4-416, §61-11-8, and §62-12-2 of the Code of West Virginia, 1931, as amended, establishing Lauren's Law; relating to controlled substances violations; increasing sentences for certain controlled substances offenses; making certain offenses ineligible for suspension or probation, or alternative sentencing; declaring that minimum period of 10 years' incarceration for the offense of drug delivery death; requiring inert substances mixed with controlled substances to be considered a controlled substance for purposes of weight measurement; setting forth method for measurement where more than one controlled substance is in a mixture; modifying sentences for certain offenses; updating list of offenses related to controlled substance that are qualifying offenses for recidivist sentencing enhancements; and declaring certain offenses to be ineligible for probation.

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

Thereafter, at the request of Senator Martin, and by unanimous consent, the remarks by Senators Stuart, Deeds, Woodrum, Helton, Oliverio, Garcia, and Fuller as to the passage of Engrossed Committee Substitute for Senate Bill 196 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

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

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

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

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

CHAPTER 18. EDUCATION.**ARTICLE 9H. DISPLAY OF NATIONAL MOTTO.****§18-9H-1. Display of the National Motto in public schools.**

(a) A public elementary or secondary school shall display in a conspicuous place in every classroom of the school a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) The requirements of this section are subject to the durable posters or framed copies being donated or sufficient donations being made from which the durable posters or framed copies can be purchased.

(c) Notwithstanding any other provision of code to the contrary, this section applies to public charter schools authorized pursuant to §18-5G-1 *et seq.*

CHAPTER 18B. HIGHER EDUCATION.**ARTICLE 14. MISCELLANEOUS.****§18B-14-12. Display of the National Motto in institutions of higher education.**

(a) A state institution of higher education, as defined by §18B-1-2 of this code, shall display in a conspicuous place in every classroom of the institution of higher education a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) The requirements of this section are subject to the durable posters or framed copies being donated or sufficient donations being made from which the durable posters or framed copies can be purchased.

The bill (S. B. 280), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 500, Transferring audits of volunteer fire departments to Legislative Auditor.

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 521, Requiring party affiliations be listed for all candidates.

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

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

On pages 21–32, after the article heading, by striking out all of §3-12-3, §3-12-6, §3-12-10, §3-12-11, §3-12-12, and §3-12-14 and inserting in lieu thereof the following:

§3-12-1. Short title West Virginia Supreme Court of Appeals Public Campaign Financing Program is abolished; remaining funds to general revenue fund.

This article is known as the "West Virginia Supreme Court of Appeals Public Campaign Financing Program." Any funds remaining in the West Virginia Supreme Court of Appeals Public Campaign Financing Fund following the amendments to this section adopted during the 2025 Regular Session shall be remitted to the general revenue fund.

§3-12-2. Legislative findings and declarations.

[Repealed].

§3-12-3. Definitions.

[Repealed].

§3-12-4. Alternative public campaign finance option.

[Repealed].

§3-12-5. Supreme Court of Appeals Public Campaign Financing Fund.

[Repealed].

§3-12-6. Sources of revenue for the fund.

[Repealed].

§3-12-7. Declaration of intent.

[Repealed].

§3-12-8. Exploratory period; contributions; expenditures.

[Repealed].

§3-12-9. Qualifying contributions.

[Repealed].

§3-12-10. Certification of candidates.

[Repealed].

§3-12-11. Schedule and amount of Supreme Court of Appeals Public Campaign Financing Fund payments.

[Repealed].

§3-12-12. Restrictions on contributions and expenditures.

[Repealed].

§3-12-13. Reporting requirements.

[Repealed].

§3-12-14. Duties of the State Election Commission; Secretary of State.

[Repealed].

§3-12-15. Criminal penalties.

[Repealed].

§3-12-16. Civil penalties.

[Repealed].

Following discussion,

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

The bill (Com. Sub. for S. B. 521), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 532, Making ad valorem taxes on property payable only to county in which property is located.

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 606, Relating to notification of breast density.

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

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

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

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

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

That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0437, fiscal year 2025, organization 0513, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.**Section 1. Appropriations from general revenue.**

DEPARTMENT OF HEALTH*78 - Office of the Inspector General*

(W.V. Code Chapter 16B)

Fund 0437 FY 2025 Org 0513

	Appro-	General
	priation	Revenue
		Fund
Personal Services and Employee Benefits.....	00100	\$ 5,583,690
Unclassified	09900	57,469
Current Expenses	13000	1,583,603
Current Expenses – Surplus	13099	<u>2,000,000</u>
Total.....		\$ 9,224,762

From the above appropriation for Current Expenses (fund 0437, appropriation 13000), \$73,065 shall be used for informal dispute resolution relating to nursing home administrative appeals, and \$650,000 shall be transferred to OIG fund 5209.

Notwithstanding any provisions of this budget to the contrary, the Inspector General shall have the ability to transfer funds between all appropriations.

The bill (S. B. 649), as amended, was then ordered to engrossment and third reading.

Senate Bill 650, Relating to full-time interventionists.

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 658, Prohibiting certain persons from receiving compensation for advising or assisting with veterans' benefits.

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

Eng. Com. Sub. for House Bill 2053, Relating to including the United States Space Force in the definition armed forces.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Clements and Rose.

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 Queen.

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 10, 2025:

Senate Bill 18: Senator Helton;

And,

Senate Bill 723: Senator Woelfel.

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 10, 2025:

Senate Bill 271: Senator Hart;

Senate Bill 464: Senator Jeffries;

Senate Bill 471: Senator Roberts;

Senate Bill 505: Senator Taylor;

Senate Bill 513: Senator Chapman;

Senate Bill 526: Senator Willis;

Senate Bill 592: Senator Willis;

Senate Bill 604: Senator Willis;

Senate Bill 694: Senator Maynard;

Senate Bill 697: Senators Bartlett and Woelfel;

Senate Bill 727: Senator Willis;

Senate Bill 730: Senator Thorne;

And,

Senate Joint Resolution 14: Senator Willis.

Pending announcement of meetings of standing committees of the Senate,

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

SENATE CALENDAR

**Wednesday, March 12, 2025
11:00 AM**

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

UNFINISHED BUSINESS

S. C. R. 18 - Recognizing intent to create WV Coal Renaissance Act

S. R. 21 - Designating March 12, 2025, as WV Tourism Day

S. R. 22 - Recognizing 175th anniversary of Wheeling Hospital

S. R. 23 - Memorializing life of Janie Lou White

THIRD READING

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

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

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

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

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

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

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

SECOND READING

Com. Sub. for S. B. 658 - Prohibiting certain persons from receiving compensation for advising or assisting with veterans' benefits

Eng. Com. Sub. for H. B. 2053 - Relating to including the United States Space Force in the definition armed forces

FIRST READING

Com. Sub. for S. B. 526 - Creating Pharmacist Prescribing Authority Act

Com. Sub. for S. B. 592 - Relating generally to aboveground storage tanks

S. B. 712 - Relating to retirement provisions of systems managed by CPRB (original similar to HB3180)

Com. Sub. for S. B. 715 - Relating to personally identifiable information of member, retirant, beneficiary, or alternate payee of retirement system (original similar to HB3183)

S. B. 716 - Relating to failure to pay required contributions and interest payments for certain retirees who transfer between retirement systems (original similar to HB3193)

Eng. Com. Sub. for H. B. 2042 - Relating to allowing a guardian ad litem to request the appointment of a court appointed special advocate - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2025

Wednesday, March 12, 2025

9:30 a.m.

Natural Resources

(Room 208W)