

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2025
THIRTIETH DAY

Charleston, West Virginia, Thursday, March 13, 2025

The Senate met at 11:03 a.m.

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

Prayer was offered by Dr. Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Scott Fuller, a senator from the fifth district.

Pending the reading of the Journal of Wednesday, March 12, 2025,

At the request of Senator Helton, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

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

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

Health, Department of (Governor's Early Intervention Interagency Coordinating Council) (§16-5K-4)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 358, Authorizing Department of Transportation to promulgate legislative rules.

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 2190—A Bill to amend and reenact §18B-3D-6 of the Code of West Virginia, 1931, as amended, relating to adding Potomac State College of West Virginia University as an eligible institution for participation in the "Learn and Earn Program"; and removing reference to the program being a "pilot" program.

Referred to the Committee on Education; 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, to take effect from passage, of

Eng. Com. Sub. for House Bill 2233—A Bill to amend and reenact §64-3-1 et seq. of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; directing the Department of Environmental Protection to amend current legislative rules; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage, and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the emissions standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the requirements governing water quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the underground injection control; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the water pollution control permit fee schedules; and directing the Department of Environmental Protection to amend a legislative rule relating to the National Pollutant Discharge Elimination System (NPDES) Program.

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 2347—A Bill to amend and reenact §27-5-1, §27-5-1b, §27-5-2, and §27-5-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §27-5-2b; to amend said code by adding a new article, designated §27-5A-1, §27-5A-2; and §27-5A-3; relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals; clarifying that mental hygiene evaluations and proceedings may be conducted by video technology; granting civil immunity for mental health service providers who do involuntary commitment proceedings and setting out exceptions; creating a temporary observation release for mental hygiene respondents; clarifying that chief medical officer releases requiring approval of circuit court only apply to forensic patients; requiring hearings for any commitment period of longer than 90 days and prohibiting any person from being civilly committed to longer than 120 days without a hearing to determine whether the individual continues to meet commitment criteria; removing obsolete language regarding transcripts of

proceedings to circuit court of county of residence; restructuring the mental hygiene commissioner system by authorizing new mental hygiene regions and full-time mental hygiene commissioners employed by the Supreme Court of Appeals; authorizing mental hygiene proceedings and evaluations by video and requiring facilities to provide technology that meets Supreme Court of Appeals specifications; authorizing statewide coverage for mental hygiene evaluations and permitting a mental hygiene commissioner to exclude evaluator testimony based on the West Virginia Rules of Evidence; and requiring each Comprehensive Community Mental Health Center to ensure that at least one examiner is available to provide uniform and continuous coverage in each region, including afterhours, weekends, and holidays.

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 2382—A Bill to amend and reenact §61-6-18 of the Code of West Virginia, 1931, as amended, relating to public camping on certain public property; creating findings; creating definitions; creating warnings and misdemeanor offenses for camping or storing property on certain public property; clarifying that each day constitutes a new violation; requiring certain notifications to a person unlawfully camping; providing certain exceptions for violations; and creating criminal penalties.

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 2402—A Bill to amend and reenact §16-29-1 and §49-5-101 of the code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-29-3, relating to providing access to medical records; providing access to a minor's medical record; and providing access to the medical records of child in the custody of the state.

Referred to the Committee on Health and Human Resources.

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 2411—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass a minimum of one credit of computer science; establishing requirements for the classes; establishing rulemaking; and creating teaching positions and requirements for those teaching positions.

Referred to the Committee on Education.

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 2473—A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to increasing and maintaining the bracketed tax rates

on the privilege of establishing or operating a health maintenance organization; specifying effective dates; and providing a process for rates to be certified to the tax commissioner and notice to be provided.

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 2501—A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to exemptions from property of an estate in bankruptcy proceedings; providing for surviving spouse the ability to claim deceased spouse's exemption in joint residence so long as the home they owned together is owned by the surviving spouse; and exempting payment by any governmental entity to subsidize the adoption of a minor child.

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 2634—A Bill to amend and reenact §61-8B-5, §61-8B-9, §61-8D-5 and §61-8D-6 of the Code of West Virginia, 1931, as amended, relating to increasing penalties for sexual assault in the third degree, sexual abuse in the third degree, sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian or person in a position of trust allowing sexual abuse to be inflicted upon a child, and for sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian, or custodian, or person in a position of trust, depicting a child engaged in sexually explicit conduct.

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 2711—A Bill to amend and reenact §36-1A-1, §36-1A-2, §36-1A-5, §36-1A-6, and §36-1A-7, of the Code of West Virginia, 1931, as amended, by treating all future interests created through a chain of nongeneral or testamentary powers of appointment as if they were created at the time of the first such power, and establishing a rule of construction for interests that are subject to the rule against perpetuities.

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 2761—A Bill to amend and reenact §50-2-1 of the Code of West Virginia, 1931, as amended, relating to increasing the jurisdictional limits of magistrate courts in civil actions.

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 2774—A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to crimes against athletic officials; clarifying that victims include participants; establishing minimum jail penalties; creation definitions; authorizing a person convicted of the offenses to be banned from certain sports events; requiring written notice to the person banned; establishing that a violation of the ban is a form of trespass; and creating criminal penalties.

Referred to the Committee on Education; and then 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 2781—A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to requiring that judicial officers consider the residency status of a person charged with a criminal violation in determining bail and conditions of pretrial release.

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 2867—A Bill to amend and reenact §44-1A-2 of the Code of West Virginia, 1931, as amended, relating to precluding an estate with real property from being processed as a small estate.

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 3030—A Bill to amend and reenact §22-11-10 of the Code of West Virginia, 1931, as amended, relating to the administration of the West Virginia Water Pollution Control Act; and eliminating fee caps on permits.

Referred to the Committee on Energy, Industry, and Mining.

Executive Communications

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Patrick Morrisey
Governor of West Virginia

March 12, 2025

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Four Hundred Fifty-Six (456), which was presented to me on March 12, 2025.

You will note that I have approved this bill on March 12, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Jeff Pack, Clerk

The Senate proceeded to the fourth order of business.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 21, Assessing wildlife impact fee on wind power projects.

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

Com. Sub. for Senate Bill 21 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §20-2-5m, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill protected birds, wild birds, and bats; providing for wildlife impact fee; providing for criminal law exemption; and defining "wind turbine and tower and related components".

And,

Senate Bill 701, Classifying forestry equipment for levy purposes.

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

Com. Sub. for Senate Bill 701 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding two new sections, designated §11-8-5a and §11-15-8e, relating to taxation; classifying forestry equipment as Class I property; recognizing forestry as a component of agriculture essential to this state's economy; defining forestry equipment; exempting the sale of forestry equipment from the consumers sales and service tax; and providing for effective dates.

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,

Bill Hamilton,
Chair.

The bills (Com. Sub. for S. B. 21 and 701), under the original double committee references, were then referred to the Committee on Finance.

Senator Hart, from the Committee on Agriculture, submitted the following report, which was received:

Your Committee on Agriculture has had under consideration

Senate Bill 295, Clarifying non-agricultural status of solar farms.

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

Com. Sub. for Senate Bill 295 (originating in the Committee on Agriculture)—A Bill to amend and reenact §11-1A-10 and §19-19-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that certain solar generation facilities are not engaged in the business of farming for appraisal purposes and are not agricultural operations for purposes of agricultural production.

And,

Senate Bill 618, Relating generally to certain farmland tax exemptions and appraisals.

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

Com. Sub. for Senate Bill 618 (originating in the Committee on Agriculture)—A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended, relating to allowing for reduced property valuation for certain farmland.

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,

Craig A. Hart,
Chair.

The bills (Com. Sub. for S. B. 295 and 618), under the original double committee references, were 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

Com. Sub. for Senate Bill 586 (originating in the Committee on Government Organization), Relating to requirements for filling vacancies in certain elected federal, state, and county offices.

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

Com. Sub. for Com. Sub. for Senate Bill 586 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-3, §3-10-4, §3-10-5, §3-10-6, §3-10-7, and §3-10-8 of the Code of West Virginia, 1931, as amended, relating to requirements for filling vacancies in certain elected federal, state, and county offices; requiring appointments for the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, Justice of the Supreme Court of Appeals, Judge of the Intermediate Court of Appeals, member of Congress, or in any office created or made elective to be filled by the voters of the entire state, or judge of a circuit court or judge of a family court, to be made from a list of persons of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office; authorizing the Governor to appoint an acting official to perform the duties of a constitutional officer until the office is filled by appointment; prohibiting the appointment of an individual to fill a vacant office if that person has not been a member of his or her registered political party for at least one year prior to the occurrence of the vacancy; requiring appointments for state Senate, House of Delegates, and circuit court judges be made from the political party with which the individual vacating the office was affiliated at the time of the

previous election for that office; and providing that process to select candidates to fill state Senate and House of Delegates seats be governed by state executive committee for the respective political party.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 663, Creating Transparency in Financial Services Act.

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

Com. Sub. for Senate Bill 663 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, and §46A-6O-5, relating to creating the Fair Access to Financial Services Act; providing a short title; providing definitions; prohibiting discrimination by financial institutions; requiring transparency upon request; authorizing enforcement by certain persons and Attorney General; specifying penalties for violations and for recovery of attorney fees and litigation costs; and establishing statute of limitations.

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,

Michael T. Azinger,
Chair.

The bill (Com. Sub. for S. B. 663), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Hart, from the Committee on Agriculture, submitted the following report, which was received:

Your Committee on Agriculture has had under consideration

Senate Bill 686, Relating to WV commercial feed law.

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

Com. Sub. for Senate Bill 686 (originating in the Committee on Agriculture)—A Bill to amend and reenact §19-14-2 and §19-14-5 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Commercial Feed Law; providing that a person engaged in offering for sale, selling, exchanging, or bartering products or commodities produced exclusively on his or her own

farm is not a distributor; and providing that a person engaged in offering for sale, selling, exchanging, or bartering products or commodities produced exclusively on his or her own farm is exempt from obtaining a commercial feed distributor permit.

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,

Craig A. Hart,
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 Agriculture.

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 2222, Relating to authorizing certain agencies of the Department of Administration to promulgate legislative rules.

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

Respectfully submitted,

Mike Stuart,
Chair.

The Senate proceeded to the fifth order of business.

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

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

Senate Bill 723, Relating to clinical inpatient medical treatment centers for substance use disorder.

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

Com. Sub. for Senate Bill 723 (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 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; providing for revocation of license for noncompliance; requiring rulemaking; and providing effective date.

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Rucker:

Senate Bill 746—A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to allowing the state Board of Education to delegate its Medicaid provider status to public charter schools; updating obsolete references to regional education service agencies; requiring that the state Board of Education report to the Legislature containing certain specified Medicaid-related information also include that information on a public charter school by public charter school basis; and requiring the health services advisory committee to advise the Secretary of the Department of Human Services and the State Superintendent of Schools on ways to improve the ability of public charter schools to provide Medicaid-eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the school-based Medicaid service providers bill for and receive all the Medicaid reimbursement to which they are entitled.

Referred to the Committee on Government Organization.

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

Senate Bill 747—A Bill to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating to the Real Estate License Act; and creating an exception to the requirement that a real estate broker maintain a definite place of business within the state for non-residents who maintain a definite place of business in their jurisdiction of residence.

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

By Senators Helton and Clements:

Senate Bill 748—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, and §7-28-7, relating to creating the Safer Communities Act; stating legislative findings and declarations; providing definitions; authorizing counties to levy a public safety sales or amusement tax; requiring notification to certain offices; providing for severability; and providing exclusions.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 749—A Bill to amend and reenact §18-5G-3, §18-5G-7, and §18-5G-8 of the Code of West Virginia, 1931, as amended; and to amend the code by adding two new sections, designated §18-5G-14a and §18-5G-18, relating to public charter schools; modifying criteria

public charter school must meet pertaining to tuition; authorizing public charter school employment of personnel to perform services relating to managing participation in a retirement system or insurance plan; providing that the school district of the student's county of residence becomes responsible to track the students for all purposes when the student is withdrawn from a public charter school and returns to the public school district of that county; authorizing public charter school teachers to proctor state assessments whether the teachers are certified or licensed or not; allowing members of a public charter school governing board to be removed by a vote of the governing board; allowing a public charter school to submit to its authorizer a proposed amendment to any information in its application at any time; allowing authorization and funding of alternative high-risk population public charter schools; providing eligibility requirements; specifying which students are included as high risk; requiring West Virginia Board of Education rule setting forth requirements for alternative high-risk population charter school funding; allowing an institution of higher education to apply to an authorizer to establish virtual or on-campus public charter microschools; and allowing any public charter school to partner with learning pods and microschools to provide instruction to those learning pods and microschools.

Referred to the Committee on Education.

By Senator Woelfel:

Senate Bill 750—A Bill to amend and reenact §3-5-13a and §24-1-3 of the Code of West Virginia, 1931, as amended; and to amend the code by adding two new sections, designated §3-5-6f and §24-1-3a, relating to the Public Service Commission; eliminating appointment process for commission members; providing for expiration date of terms of appointed members; providing that commission members be elected to nonpartisan six-year terms; providing for staggered terms in initial election; providing for regular election procedures; and providing for appointments to fill vacancies.

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

By Senator Hart:

Senate Bill 751—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §16-7-12, relating to prohibiting the manufacture, sale, or distribution of cultivated meat products; defining term; establishing prohibition; providing for penalties; providing for food establishment permit suspension process; clarifying lack of prohibition on research related to cultivated meat products; providing for rulemaking; and establishing effective and sunset dates.

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

By Senator Maynard:

Senate Bill 752—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §20-2-43, relating to establishing Class WV resident and Class WVV nonresident wildlife view stamps; and authorizing the Division of Natural Resources to propose legislative rules for the cost of the stamps and the appropriate uses thereof.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senators Rose, Roberts, and Charnock:

Senate Bill 753—A Bill to amend and reenact §19-23-3, §19-23-7, §19-23-12b, §29-22A-3, §29-22A-7, §29-22A-12§29-22C-3, §29-22C-8, and §29-22C-10 of the Code of West Virginia,

1931, as amended, relating to dog racing requirements; modifying certain definitions; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 754—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §20-20-1, §20-20-2, §20-20-3, §20-20-4, and §20-20-5, relating to the creation of the Outdoor West Virginians With Disabilities Act; providing for a short title; establishing definitions; providing updates to travel management plans and motor vehicle use plans; clarifying motor vehicle use maps and designation of certain public land as open, limited, or closed to off-road vehicles; and clarifying the effect of the article.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

Senator Rose offered the following resolution:

Senate Resolution 28—Designating March 14, 2025, as West Virginia State University Day at the Legislature.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

Senate Resolution 29—Designating March 14, 2025, as West Virginia American Academy of Pediatrics Child Health Advocacy Day at the Legislature.

Which, under the rules, lies over one day.

Senator Queen offered the following resolution:

Senate Resolution 30—Recognizing the 80th anniversary of the Claude Worthington Benedum Foundation.

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

Senate Resolution 31—Designating March 14, 2025, as Suicide Prevention Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 24, Designating March 13, 2025, as Tucker County Day.

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

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

Senate Resolution 25, Designating March 13, 2025, as Wear Red Day.

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

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

Senate Resolution 26, Recognizing March 13, 2025, as National K9 Veterans Day.

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

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

The question being on the adoption of the resolution, and on this question, Senator Phillips demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 26) adopted.

Senate Resolution 27, Congratulating Taylor County Middle school football team for winning 2024 Mid-8 Championship.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 658, Prohibiting certain persons from receiving compensation for advising or assisting with veterans' benefits.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 658 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. 658) 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 House Bill 2053, Relating to including the United States Space Force in the definition armed forces.

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, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Willis—1.

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 H. B. 2053) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 526, Creating Pharmacist Prescribing Authority Act.

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 592, Relating generally to aboveground storage tanks.

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

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

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

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

On page 12, section 27b, line 64, by striking out "(A) or (B) below";

And,

On page 25, section 2, line 122, by striking out "(u)" and inserting in lieu thereof "(v)";

And,

On page 32, section 9b, line 63, by striking out "(A) or (B) below";

And,

On page 35, section 2, line 13, after the word "Guard" by inserting a comma and the words "Space Force,";

And,

On page 46, section 11, line 63, by striking out "(A) or (B) below";

And,

On page 50, section 45, line 73, by striking out "(A) or (B) below";

And,

On page 51, section 2, line 5, after the word "Marines" by inserting a comma and the words "Space Force,";

And,

On page 58, section 6b, line 58, by striking out "(A) or (B) below";

And,

On page 73, section 13, line 63, by striking out "(A) or (B) below";

And,

On page 85, section 28b, line 64 by striking out "(A) or (B) below";

And,

On page 92, section 12a, line 67, by striking out "(A) or (B) below";

And,

On page 105, section 14, line 62, by striking out "(A) or (B) below";

And,

On page 108, section 10, lines 8 – 16, by striking out subsection (b) and inserting in lieu thereof a new subsection (b), to read as follows:

(b) The Legislature recognizes and acknowledges the authority of the West Virginia Supreme Court of Appeals to recall retired circuit court judges, family court judges, judges of the Intermediate Court of Appeals, and justices of the Supreme Court of Appeals for temporary assignment and to create a panel of such senior judges and justices to serve in certain circumstances including, but not limited to, serving temporarily in the event of a protracted illness or medical condition, lengthy suspension, or other unfilled vacancy; serving temporarily in a circuit to assist with an excess of pending matters identified by the administrative director through statistical analysis; mentoring or assisting a sitting judge as directed by the administrative director; serving temporarily in a circuit in the event of a recusal or disqualification of a judge or justice; or presiding over cases as a member of the mass litigation or business court: *Provided*, That extended assignment of retired judges and justices must not be utilized in such a way as to threaten the qualified status of the Judges' Retirement System under applicable provisions of the Internal Revenue Code, including Treasury Regulation §1.401(a)-1(b)(1) requiring that a qualified plan must be established primarily to provide payment of definitely determinable benefits to its employees after retirement or attainment of normal retirement age.;

And,

On page 109, section 10, line 29, after the word "protracted" by striking out the comma and the words "but temporary,";

And,

On page 113, section 12b, line 58, by striking out "(A) or (B) below".

Senator Charnock requested unanimous consent to be excused from voting on any matter pertaining to the bill under Rule 43 of the Rules of the Senate, as she is a hearing examiner contracted by the Consolidated Public Retirement Board.

The Chair replied that Senator Charnock should be excused from voting on any matter pertaining to the bill, and without objection, Senator Charnock was excused from voting on any matter pertaining to the bill.

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

The bill (S. B. 712), as amended, was then ordered to engrossment and third reading.

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

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

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

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

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

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

ARTICLE 4. COURT ACTIONS.

PART VI. PROCEDURES IN CASES OF CHILD NEGLECT OR ABUSE.

§49-4-601. Petition to court when child believed neglected or abused; venue; notice; right to counsel; continuing legal education; findings; proceedings; procedure.

(a) *Petitioner and venue.* — If the department or a reputable person believes that a child is neglected or abused, the department or the person may present a petition setting forth the facts to the circuit court in the county in which the child resides, or if the petition is being brought by the department, in the county in which the custodial respondent or other named party abuser resides, or in which the abuse or neglect occurred, or to the judge of the court in vacation. Under no circumstance may a party file a petition in more than one county based on the same set of facts.

(b) *Contents of Petition.* — The petition shall be verified by the oath of some credible person having knowledge of the facts. The petition shall allege specific conduct including time and place, how the conduct comes within the statutory definition of neglect or abuse with references thereto, any supportive services provided by the department to remedy the alleged circumstances and the relief sought.

(c) *Court action upon filing of petition.* — Upon filing of the petition, the court shall set a time and place for a hearing and shall appoint counsel for the child. When there is an order for temporary custody pursuant to this article, the preliminary hearing shall be held within ten days of the order continuing or transferring custody, unless a continuance for a reasonable time is granted to a date certain, for good cause shown.

(d) *Department action upon filing of the petition.* — At the time of the institution of any proceeding under this article, the department shall provide supportive services in an effort to remedy circumstances detrimental to a child.

(e) *Notice of hearing.* —

(1) The petition and notice of the hearing shall be served upon both parents and any other custodian, giving to the parents or custodian at least five days' actual notice of a preliminary hearing and at least ten days' notice of any other hearing.

(2) Notice shall be given to the department, any foster or preadoptive parent, and any relative providing care for the child.

(3) In cases where personal service within West Virginia cannot be obtained after due diligence upon any parent or other custodian, a copy of the petition and notice of the hearing shall be mailed to the person by certified mail, addressee only, return receipt requested, to the last known address of the person. If the person signs the certificate, service shall be complete and the certificate shall be filed as proof of the service with the clerk of the circuit court.

(4) If service cannot be obtained by personal service or by certified mail, notice shall be by publication as a Class II legal advertisement in compliance with article three, chapter fifty-nine of this code.

(5) A notice of hearing shall specify the time and place of the hearing, the right to counsel of the child and parents or other custodians at every stage of the proceedings and the fact that the proceedings can result in the permanent termination of the parental rights.

(6) Failure to object to defects in the petition and notice may not be construed as a waiver.

(f) *Right to counsel.* —

(1) In any proceeding under this article, the child, his or her parents and his or her legally established custodian or other persons standing in *loco parentis* to him or her has the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that if they cannot pay for the services of counsel, that counsel will be appointed.

(2) Counsel shall be appointed in the initial order. For parents, legal guardians, and other persons standing in *loco parentis*, the representation may only continue after the first appearance if the parent or other persons standing in *loco parentis* cannot pay for the services of counsel.

(3) Counsel for other parties shall only be appointed upon request for appointment of counsel. If the requesting parties have not retained counsel and cannot pay for the services of counsel, the court shall, by order entered of record, appoint an attorney or attorneys to represent the other party or parties and so inform the parties.

(4) Under no circumstances may the same attorney represent both the child and the other party or parties, nor may the same attorney represent both parents or custodians. However, one attorney may represent both parents or custodians where both parents or guardians consent to this representation after the attorney fully discloses to the client the possible conflict and where the attorney assures the court that she or he is able to represent each client without impairing her or his professional judgment; however, if more than one child from a family is involved in the proceeding, one attorney may represent all the children.

(5) A parent who is a copetitioner is entitled to his or her own attorney. The court may allow to each attorney so appointed a fee in the same amount which appointed counsel can receive in felony cases.

(g) *Continuing education for counsel.* — Any attorney representing a party under this article shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. In addition to this requirement, any attorney appointed to represent a child must first complete training on representation of children that is approved by the administrative office of the Supreme Court of Appeals. The Supreme Court of Appeals shall develop procedures for approval and certification of training required under this section. Where no attorney has completed the training required by this subsection, the court shall appoint a competent attorney with demonstrated knowledge of child welfare law to represent the parent or child. Any attorney appointed pursuant to this section shall perform all duties required of an attorney licensed to practice law in the State of West Virginia.

(h) *Right to be heard.* — In any proceeding pursuant to this article, the party or parties having custodial or other parental rights or responsibilities to the child shall be afforded a meaningful opportunity to be heard, including the opportunity to testify and to present and cross-examine witnesses. Foster parents, preadoptive parents, and relative caregivers shall also have a meaningful opportunity to be heard.

(i) *Findings of the court.* — Where relevant, the court shall consider the efforts of the department to remedy the alleged circumstances. At the conclusion of the adjudicatory hearing, the court shall make a determination based upon the evidence and shall make findings of fact and conclusions of law as to whether the child is abused or neglected and whether the respondent is abusing, neglecting, or, if applicable, a battered parent, all of which shall be incorporated into the order of the court. The findings must be based upon conditions existing at the time of the filing of the petition and proven by clear and convincing evidence.

(j) *Priority of proceedings.* — Any petition filed and any proceeding held under this article shall, to the extent practicable, be given priority over any other civil action before the court, except proceedings under section three hundred nine, article twenty-seven, chapter forty-eight of this code and actions in which trial is in progress. Any petition filed under this article shall be docketed immediately upon filing. Any hearing to be held at the end of an improvement period and any other hearing to be held during any proceedings under this article shall be held as nearly as practicable on successive days and, with respect to the hearing to be held at the end of an improvement period, shall be held as close in time as possible after the end of the improvement period and shall be held within thirty days of the termination of the improvement period.

(k) *Procedural safeguards.* — The petition may not be taken as confessed. A transcript or recording shall be made of all proceedings unless waived by all parties to the proceeding. The rules of evidence shall apply. Following the court's determination, it shall be inquired of the parents or custodians whether or not appeal is desired and the response transcribed. A negative response may not be construed as a waiver. The evidence shall be transcribed and made available to the parties or their counsel as soon as practicable, if the same is required for purposes of further proceedings. If an indigent person intends to pursue further proceedings, the court reporter shall furnish a transcript of the hearing without cost to the indigent person if an affidavit is filed stating that he or she cannot pay therefor.

(l) CASA. — The department, guardian ad litem, or any parent as defined in §49-1-204 of this code who is a party to a proceeding instituted pursuant to the provisions of this section, may file

a petition in accordance with the Rules of Procedure for Child Abuse and Neglect Proceedings requesting the appointment of a court appointed special advocate, which the circuit court may appoint if a court appointed special advocate provides services to the circuit court with jurisdiction over the proceedings instituted pursuant to this section.

The bill (Eng. Com. Sub. for H. B. 2042), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 102, Modifying form of certain deeds.

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

Com. Sub. for Senate Bill 220, Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

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

Com. Sub. for Senate Bill 449, Permitting compressed air and rimfire shooting teams in public schools.

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

Com. Sub. for Senate Bill 548, Creating Safety and Violence Education for Students 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 thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on March 12, 2025:

Senate Bill 295: Senator Willis;

Senate Bill 472: Senator Maynard;

Senate Bill 543: Senator Deeds;

Senate Bill 632: Senator Helton;

Senate Bill 663: Senator Willis;

Senate Bill 686: Senator Willis;

Senate Bill 697: Senator Willis;

Senate Bill 701: Senator Deeds;

Senate Bill 740: Senators Clements and Woelfel;

Com. Sub. for Senate Joint Resolution 6: Senators Hart, Deeds, Bartlett, Azinger, and Stuart;

Senate Resolution 24: Senators Jeffries and Taylor;

Senate Resolution 25: Senator Rucker;

Senate Resolution 26: Senators Jeffries and Rucker;

And,

Senate Resolution 27: Senators Martin and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 11:44 a.m., the Senate adjourned until tomorrow, Friday, March 14, 2025, at 10 a.m.

SENATE CALENDAR

**Friday, March 14, 2025
10:00 AM**

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

UNFINISHED BUSINESS

- S. R. 28 - Designating March 14, 2025, as West Virginia State University Day
- S. R. 29 - Designating March 14, 2025, as WV American Academy of Pediatrics Child Health Advocacy Day
- S. R. 30 - Recognizing 80th anniversary of Claude Worthington Benedum Foundation
- S. R. 31 - Designating March 14, 2025, as Suicide Prevention Awareness Day

THIRD READING

- Eng. Com. Sub. for S. B. 592 - Relating generally to aboveground storage tanks
- Eng. S. B. 712 - Relating to retirement provisions of systems managed by CPRB (original similar to HB3180)
- Eng. 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)
- Eng. 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. title amend. pending)

SECOND READING

- Com. Sub. for S. B. 102 - Modifying form of certain deeds
- Com. Sub. for S. B. 220 - Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention
- Com. Sub. for S. B. 449 - Permitting compressed air and rimfire shooting teams in public schools
- Com. Sub. for S. B. 526 - Creating Pharmacist Prescribing Authority Act

Com. Sub. for S. B. 548 - Creating Safety and Violence Education for Students Act

FIRST READING

Com. Sub. for Com. Sub. for S. B. 586 - Relating to requirements for filling vacancies in certain elected federal, state, and county offices

Com. Sub. for S. B. 686 - Relating to WV commercial feed law

Eng. Com. Sub. for H. B. 2222 - Relating to authorizing certain agencies of the Department of Administration to promulgate legislative rules