

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2025
THIRTY-SEVENTH DAY

Charleston, West Virginia, Thursday, March 20, 2025

The Senate met at 11:06 a.m.

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

Prayer was offered by the Honorable Ryan W. Weld, a senator from the first district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Bill Hamilton, a senator from the eleventh district.

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

At the request of Senator Phillips, 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 concurrence by that body in the adoption of

Senate Concurrent Resolution 15, Opposing China's use of UN Resolution 2758 against Taiwan.

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 2030—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1; to amend said code by adding thereto a new article, designated §8-40-1; and to amend said code by adding thereto a new section, designated §16-15-26, relating to hotel and motel housing vouchers; prohibiting city or town from requiring hotel or motel participation in housing voucher programs; prohibiting county from requiring hotel or motel participation in housing voucher programs; and prohibiting a housing authority from requiring hotel or motel participation in housing voucher programs.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2067—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7C-1, §61-7C-2, §61-7C-3, §61-7C-4, and §61-7C-5; all relating to the creation of the West Virginia Firearms Marketing Clarification Act; providing for a short title; providing for definitions; providing limitations on negligent marketing claims; creating a predicate exception limitation; and providing for severability.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2222, Relating to authorizing certain agencies of the Department of Administration 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 2718—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18B-1D-12, relating to creating a State Advisory Council on Establishing a Military College; creating a state advisory council; providing the council's purpose; providing for the council's membership; providing for the council's meetings and business; creating a special fund; requiring the council to designate an executive director; providing for reimbursement of expenses; requiring biannual reports; providing a termination date for the council.

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 2752—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to allowing a person to operate a motorcycle, motor-driven cycle, or moped while standing astride the vehicle and facing forward.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2881—A Bill to amend and reenact §15-2-15 of the Code of West Virginia, 1931, as amended, relating to the Child Abuse and Neglect Investigations Unit; expanding the number of members in the unit; expanding the number of regional members to assist CPS; providing retired members of the State Police the ability to be part of the unit; and establishing requirements to be followed when reemploying a retired State Police officer.

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. House Bill 3162—A Bill to amend and reenact §46A-2-122 and §55-7-8a of the Code of West Virginia, 1931, as amended, all relating to consumer credit and protection actions; amending definitions; and clarifying that any action for a violation of Chapter 46A of this code shall survive the death of the person entitled to recover or the death of the person liable.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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 6, Exempting life insurance cash value from Medicaid eligibility calculations.

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

Com. Sub. for Senate Bill 6 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §9-3-7, relating to exempting cash value or death benefit of a life insurance policy from Medicaid eligibility calculations.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill (Com. Sub. for S. B. 6), under the original double committee reference, was then referred to the Committee on Health and Human Resources.

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 128, Preventing courts from ordering services at higher rate than Medicaid.

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

Com. Sub. for Senate Bill 128 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-4-108 of the Code of West Virginia, 1931, as amended, relating to courts ordering payment for services in child welfare proceedings; and eliminating the ability of a court to order certain services for adults to be paid at a higher rate than the Medicaid rate or the rate established by the Department of Human Services.

And,

Senate Bill 595, Creating Mountain Bike Responsibility Act.

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

Com. Sub. for Senate Bill 595 (originating in the Committee on the Judiciary)—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, §20-20-5, §20-20-6, §20-20-7, §20-20-8, §20-20-9, and §20-20-10, relating to creating the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; providing for the duties and liabilities of trail system operators, mountain bicyclists, and passengers on aerial passenger tramways; providing for competition responsibilities; and providing a release for minor participants.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Mike Stuart,
Chair.

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

Your Committee on Agriculture has had under consideration

Senate Bill 751, Prohibiting manufacture, sale, or distribution of cultivated meat products.

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,

Craig A. Hart,
Chair.

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

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 721, Providing penalties for damages resulting to farm property and critical infrastructure from use of drones.

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

Com. Sub. for Senate Bill 721 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to authorizing the use of unmanned aerial vehicles to track and locate certain mortally wounded wild

animals; establishing limitations on the use of dogs to track and locate certain mortally wounded wild animals; requiring unmanned aerial vehicle operators to possess a valid hunting license; requiring unmanned aerial vehicle operators providing tracking services for profit to be licensed as an outfitter or guide; requiring certain unmanned aerial vehicle operators to be licensed by the federal aviation administration; and requiring the director to publish a list of outfitters and guides who provide dog or UAV tracking services.

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,

Bill Hamilton,
Chair.

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

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 765, Establishing Troops to Teachers Program.

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

Com. Sub. for Senate Bill 765 (originating in the Committee on Military)—A Bill to amend and reenact §18A-3-1 and §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to establishing the Troops-to-Teachers Program; providing for establishment and purpose of program; setting out conditions for issuance of professional teaching certificate; and providing for a veterans' preference in hiring.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill (Com. Sub. for S. B. 765), under the original double committee reference, was then referred to the Committee on Education.

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 776, Creating Firearms Industry Nondiscrimination Act.

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,

Michael T. Azinger,
Chair.

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

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 800, Relating to insurance holding company systems.

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

Com. Sub. for Senate Bill 800 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-27-2, §33-27-4, §33-27-5, §33-27-6a, §33-27-7, and §33-27-8 of the Code of West Virginia, 1931, as amended, relating to insurance holding company systems; defining terms; requiring an insurance company that is a member of an insurance holding company system to annually file a group capital calculation and providing exemptions thereto; requiring the filing of results from a liquidity stress test by an insurance company that is a member of an insurance holding company system and is scoped into the National Association of Insurance Commissioners' liquidity stress test framework; requiring that a liquidity stress test comply with the National Association of Insurance Commissioners' liquidity stress test framework's instructions and reporting templates; permitting the Insurance Commissioner to require an insurance company that is in a hazardous financial condition or a condition that would be grounds for supervision, conservation, or a delinquency proceeding to secure and maintain either a deposit to be held by the commissioner or a bond at the insurer's discretion for the protection of the insurer while in an insurance holding company system; requiring all records and data of an insurance company being held by an affiliate of the insurer to remain the property of the insurer and subject to the insurer's control; providing that an affiliate of a domestic insurance company is subject to the Insurance Commissioner's jurisdiction and authority with respect to any supervision, seizure, conservatorship, or receivership proceedings of the insurer; making an insurance company that is a member of an insurance holding company system liable to the Insurance Commissioner for the reasonable expenses incurred by the commissioner for his or her participation in a supervisory college; requiring the Insurance Commissioner to keep information related to a group capital calculation and liquidity stress test confidential; and prohibiting the storing of certain insurance holding company system information shared by the Insurance Commissioner with the National Association of Insurance Commissioners.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
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 Joint Resolution 13, Constitutional Officer Term Limit Amendment.

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

Respectfully submitted,

Mike Stuart,
Chair.

The resolution, under the original double committee reference, was 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

Eng. Com. Sub. for House Bill 2158, Relating to removal of a sunset clause for the West Virginia spay and neuter program.

And has amended same.

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

Respectfully submitted,

Craig A. Hart,
Chair.

At the request of Senator Rucker, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Agriculture.

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 761, Creating Joel Archer Substance Abuse Intervention Act.

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

Com. Sub. for Senate Bill 761 (originating in the Select Committee on Substance Use Disorder and Mental Health)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, and §27-5A-6, relating to establishing the Joel Archer Substance Abuse Intervention Act; providing for involuntary treatment of a qualified individual's dependent or spouse for substance use disorder; setting forth criteria for treatment; setting forth process for initiation of proceedings; setting forth who may file a petition; setting forth contents of petition; setting forth court proceedings; setting forth time frames; requiring examination; permitting emergency involuntary treatment; permitting summons to be issued if individual fails to attend examination; addressing transportation; and addressing payment for transportation.

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,

Brian Helton,
Chair.

The bill (Com. Sub. for S. B. 761), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 Chapman:

Senate Bill 821—A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to body-worn cameras; requiring child protective services workers to wear body-worn cameras; and requiring rulemaking.

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

By Senator Chapman:

Senate Bill 822—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §49-2-815, relating to the use of technology in child abuse and neglect investigations; requiring the Department of Human Services to use mobile technology to assist child protective services workers who conduct investigations; requiring an operating system in the mobile technology; requiring the operating system to create a contemporaneous, electronic record; requiring the record to be uploaded; requiring the operating system to be interoperable with existing department programs; requiring data extracting for quality review; and requiring members to review the data.

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

By Senator Rucker:

Senate Bill 823—A Bill amend and reenact §15-5B-3a and §15-5C-2 of the Code of West Virginia, 1931, as amended, relating to revising the statutes to clarify and separate duties

identified in the code between the Division of Emergency Management and the West Virginia Department of Environmental Protection according to what each agency has the resources and expertise to fulfill; delegating the duties of investigation of industrial facility emergency events and emergency incidents by well and pipeline operators that are reported to the Division of Emergency Management; and implementing fines and penalties imposed upon industrial facilities and well and pipeline operators to the Department of Environmental Protection.

Referred to the Committee on Government Organization.

By Senator Chapman:

Senate Bill 824—A Bill to amend and reenact §30-1A-2, §30-1A-3, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended, relating to the procedure of review by the Performance Evaluation and Research Division of the Office of the Legislative Auditor for regulating the scope of practice of occupations and professions; modifying the required application to regulate an unregulated profession or occupation; removing the application analysis regarding scope of practice; removing review of scope of practice for existing occupational licenses review; and removing the requirement that consideration of scope of practice be construed narrowly when determining whether an occupation or profession should be regulated.

Referred to the Committee on Government Organization.

By Senator Jeffries:

Senate Bill 825—A Bill to amend and reenact §18B-12-1 and §18B-12-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18B-12-11, relating to permitting higher education institutions to enter into agreements with certain non-profit organizations for purposes of economic development and job creation; and establishing powers to govern the business relationship of any state higher education institution and non-profit corporation contracting for such economic development purposes.

Referred to the Committee on Economic Development.

By Senator Rucker:

Senate Bill 826—A Bill to amend and reenact §15-11-2 of the Code of West Virginia, 1931, as amended, relating to modifying the language in the statute to make it consistent with West Virginia Code for survivor's benefit payment for first responders for purposes of payment for funeral expenses of law enforcement, safety, and emergency workers.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 827—A Bill to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating to the notification of the parole hearing and the victim's right to be heard; allowing other notified persons listed on the parole hearing form to be allowed to submit not only written statements but also speak at the parole board hearings; and allowing the offender to submit written statements and provide names of witnesses to speak at the parole hearing.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 828—A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to sexual offenses against incarcerated, detained, or under supervision

persons; and clarifying that any person employed by the Division of Corrections and Rehabilitation pursuant to a contract includes contracted staff that work for vendors.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 829—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the declaration of a state of preparedness; alleviating the two classes of state of preparedness for simplicity; and providing one level of a state of preparedness similar to having only one level for a state of emergency.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 830—A Bill to amend and reenact §15A-4-21 of the Code of West Virginia, 1931, as amended, relating to removing language regarding short-term loans being provided to released inmates for costs related to reentry into the community, as such loans have not been provided or secured.

Referred to the Committee on the Workforce.

By Senator Weld:

Senate Bill 831—A Bill to amend and reenact §18A-3-1 and §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to establishing the Troops-to-Teachers Program.

Referred to the Committee on Education.

By Senator Chapman:

Senate Bill 832—A Bill to amend and reenact §33-15-4t, §33-16-3ee, §33-24-7t, §33-25-8q, and §33-25A-8t of the Code of West Virginia, 1931, as amended, relating to cost-sharing calculations; defining terms; requiring insurer to provide credit toward in-network cost sharing; prohibiting insurer from discriminating in the form of payment; and setting effective date.

Referred to the Committee on Finance.

By Senator Chapman:

Senate Bill 833—A Bill to amend and reenact §9-5-32 and §33-25A-8s of the Code of West Virginia, 1931, as amended, relating to prior authorization; and excluding pharmaceutical medication from the prior authorization gold card process.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 834—A Bill to amend and reenact §11-24-23a of the Code of West Virginia, 1931, as amended, relating to the tax credit for qualified rehabilitated buildings investment.

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

By Senator Azinger:

Senate Bill 835—A Bill to amend and reenact §11A-3-55 and §11A-4-4 of the Code of West Virginia, 1931, as amended, relating to decreasing the service period for notice of tax lien sales; and decreasing the statute of limitations for an action to set aside a deed.

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

By Senator Azinger:

Senate Bill 836—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to payment of taxes by co-owner or others.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 837—A Bill to repeal §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to the State of West Virginia Office of Equal Opportunity.

Referred to the Committee on Government Organization.

By Senator Thorne:

Senate Bill 838—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1A-12, relating to prohibiting law-enforcement officers from placing a surveillance camera or game camera on certain private land; providing an exception; and defining "private land".

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 839—A Bill to amend and reenact §21-14-2 and §21-14-4 of the Code of West Virginia, 1931, as amended, relating to the Division of Labor; defining "plumbing" work; and requiring the Commissioner of the Division of Labor to propose separate rules for plumbers who work in a residential dwelling or in a commercial building or facility.

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

By Senator Clements:

Senate Bill 840—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §11-21-71c, relating to tax on income of nonresidents for natural resources royalty payments received from lessees; providing legislative findings; defining terms; providing for withholding of estimated tax liabilities from natural resources royalty payments for nonresidents by lessees; providing exceptions to the tax withholding requirements under certain circumstances; providing that withheld amounts be paid by lessees to the Tax Commissioner on behalf of the nonresidents; providing for refunds to nonresidents for overpayment; requiring annual withholding statements, reconciliation, and filing requirements; requiring electronic filing under specified circumstances; providing for criminal and civil penalties in certain circumstances for non-compliance; providing for rulemaking; and providing an effective date.

Referred to the Committee on Finance.

By Senators Maynard, Azinger, Bartlett, Charnock, Deeds, Fuller, Grady, Helton, Martin, Roberts, Rose, Rucker, Tarr, Taylor, Thorne, and Willis:

Senate Bill 841—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §1-8-1, §1-8-2, §1-8-3, §1-8-4, and §1-8-5, relating to prohibiting state government entities from promoting or facilitating discussions, policies, programs, or medical

procedures related to sexual orientation or gender transitioning; defining terms; prohibiting use of state funds for such purposes; establishing enforcement mechanisms; and providing for penalties.

Referred to the Committee on the Judiciary.

By Senator Hart:

Senate Bill 842—A Bill to amend and reenact §22-5-1 of the Code of West Virginia, 1931, as amended; and to repeal §22-5-2, §22-5-3, §22-5-4, §22-5-5, §22-5-6, §22-5-7, §22-5-8, §22-5-9, §22-5-10, §22-5-11, §22-5-11a, §22-5-11b, §22-5-11c, §22-5-12, §22-5-13, §22-5-14, §22-5-15, §22-5-16, §22-5-17, §22-5-18, §22-5-19, and §22-5-20, relating to abolishing the provisions in §22-5-1 et seq., Air Pollution Control in the code and in lieu thereof, establishing the Fueling Modern Life Act; stating legislative findings; and establishing state policy relating to carbon dioxide.

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

By Senator Clements:

Senate Bill 843—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §16-11A-1, relating to prohibiting those listed on the state sex offender database from entering public school facilities and attending public school activities and events; requiring parent-teacher conferences for those persons to be conducted off school grounds; and allowing the State Board of Education to promulgate rules.

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

By Senator Rucker:

Senate Bill 844—A Bill to amend and reenact §20-2-47 of the Code of West Virginia, 1931, as amended, relating to licenses for private game farm for propagating animals and birds for commercial purposes; and exempting Coturnix quail from the game farm requirement if they are owned for agricultural purposes.

Referred to the Committee on Agriculture.

By Senator Willis:

Senate Bill 845—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §15-1B-15, relating to the national guard; providing definitions; clarifying eligibility for the TRICARE program; authorizing reimbursement when certain requirements are met; requiring policies and guidelines; clarifying funding; and providing an effective date.

Referred to the Committee on the Judiciary, then the Committee on Finance.

By Senator Morris:

Senate Bill 846—A Bill to repeal §18-9E-4 of the Code of West Virginia, 1931, as amended, relating to heating, ventilation, and air-condition technicians by the State Board of Education or county boards of education.

Referred to the Committee on Government Organization.

By Senator Stuart:

Senate Bill 847—A Bill to amend and reenact §11-9-2a of the Code of West Virginia, 1931, as amended, relating to eliminating provisions limiting the number of investigators in the criminal investigation division of the Tax Division; and providing effective dates.

Referred to the Committee on Finance.

By Senator Willis:

Senate Bill 848—A Bill amending the Code of West Virginia, 1931, as amended, by adding a new article, designated §31A-2C-1, §31A-2C-2, §31A-2C-3, §31A-2C-4, §31A-2C-5, §31A-2C-6, and §31A-2C-7, relating to enacting bank protections for eligible adults from financial exploitation; providing findings, purpose, and intent to provide immunities to certain persons for government disclosure of information when financial exploitation of an eligible adult is suspected; providing definitions; permitting disclosure of eligible persons financial information to certain third parties and designated government agencies; authorizing depository institutions, broker-dealers, and investment advisors to delay, refuse, or prevent certain activities and transactions to prevent financial exploitation of an eligible adult; and proscribing immunities for depository institutions, broker-dealers, and investment advisors.

Referred to the Committee on the Judiciary.

By Senator Willis:

Senate Bill 849—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §15-2-5a, relating to enhanced pay for State Police troopers; setting out legislative findings; defining terms; providing for market pay enhancement for state trooper salaries in certain circumstances; providing for certification to State Auditor; setting out distribution of funds; requiring reporting; making funds subject to personal income tax; providing funds are in excess of minimum salary schedule; making enhancement not subject to state grievance process; and providing for rulemaking.

Referred to the Committee on Finance.

By Senator Willis:

Senate Bill 850—A Bill to amend the Code of West Virginia, 1931, as amended, by adding two new sections, designated §31D-8-870 and §31D-8-871, relating to the creation of the Protecting Investors Act; providing definitions; and establishing standards for a breach of fiduciary duty.

Referred to the Committee on Banking and Insurance.

By Senators Rose, Chapman, Helton, Maynard, Rucker, and Willis:

Senate Bill 851—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section designated, §49-2-802a, relating to creating the Child Protection Investigations Reform Act; and requiring notification to a person accused of child abuse or neglect of the person's rights in connection with an investigation conducted by the Department of Human Services.

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

By Senator Takubo:

Senate Bill 852—A Bill to amend and reenact §33-51-9 of the Code of West Virginia, 1931, as amended, relating to regulation of pharmacy benefit managers; providing an exemption as to

when a pharmacy benefit manager may reimburse a pharmacy or pharmacist for a prescription drug or pharmacy service for an amount less than the national average if certain requirements occur; and clarifying the amount of payment an insured pays at the point of sale and when the cash payment is considered payment in full.

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

By Senators Jeffries, Clements, Deeds, Fuller, Hamilton, Helton, Queen, Roberts, Rose, Takubo, Tarr, and Willis:

Senate Bill 853—A Bill to amend and reenact §11A-3-45 and §11A-3-48 of the Code of West Virginia, 1931, as amended, relating to clarifying terms of registration for tax abandoned land auctions and sales held by the Auditor.

Referred to the Committee on Government Organization.

By Senators Roberts and Rucker:

Senate Bill 854—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18-2L-1, §18-2L-2, and §18-2L-3, relating to creating the Academic Quality in Public Education Act; and requiring the same minimum standards for public schools for attendance and test scores as are required for private, parochial, or church schools, or schools of a religious order.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 855—A Bill to amend the Code of West Virginia, 1931, as amended, by adding two new articles, designated §22-15B-1 and §11-13NN-1, relating to creating the West Virginia Beverage Producer Responsibility Act; stating definitions; setting forth producer responsibility organization requirements; establishing a recycling refund trust fund; requiring Auditor oversight; delineating label standards and deposit and refund procedures; authorizing the promulgation of rules; providing a compliance deadline; establishing a tax credit for producer responsibility organizations that build or develop a redemption center or technology-based redemption center; identifying credit limitation; stating definitions; and authorizing the promulgation of rules.

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

By Senator Rucker:

Senate Bill 856—A Bill to amend and reenact §23-2C-5, §23-4-1f, §33-2-15a, and §33-2-21a of the Code of West Virginia, 1931, as amended; and to repeal §23-1-2, §23-1-17, §33-20-19, §33-20B-6, and §33-20B-8, relating to the repeal or modification of reporting requirements; removing the reporting requirement of the Insurance Commissioner to the Joint Committee on Government and Finance regarding workers' compensation funds; removing the reporting requirement of the Insurance Commissioner and Occupational Pneumoconiosis Board to the Governor regarding occupational pneumoconiosis claims; removing the reporting requirement of the Industrial Council to the Joint Committee on Government and Finance regarding employer safety initiatives; removing the reporting requirement of employers to the Insurance Commissioner regarding post-traumatic stress disorder claims; removing the reporting requirement of the Insurance Commissioner to the Joint Committee of Volunteer Fire Department and Emergency Medical Services regarding post-traumatic stress disorder claims; requiring the

Insurance Commissioner to post a flood insurance notification to public entities on the agency's website; removing the reporting requirement of the Insurance Commissioner to the Joint Committee on Government and Finance regarding the status of the state agency workers' compensation program; removing the publishing requirement of the Insurance Commissioner regarding automobile insurance rates; removing the reporting requirement of the Insurance Commissioner to the Joint Standing Committee of the Judiciary regarding medical malpractice insurance; and removing the reporting requirement of insurance companies to the Insurance Commissioner regarding civil actions filed against medical providers.

Referred to the Committee on Government Organization.

By Senator Helton:

Senate Bill 857—A Bill to amend and reenact §11-13-2o and §11-15-9 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new article, designated §11-6N-1, §11-6N-2, §11-6N-3, §11-6N-4, §11-6N-5, §11-6N-6, §11-6N-7, §11-6N-8, §11-6N-9, and §11-6N-10, relating to establishing economic incentives for data centers to locate within the state; specifying a short title; defining terms; providing legislative findings and purpose; establishing eligibility criteria; clarifying property tax treatment for eligible data centers; creating tax exemptions; creating an application process; requiring compliance and recapture; authorizing rule-making authority; and providing an effective date.

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

By Senator Rucker:

Senate Bill 858—A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210, and §60A-2-212 of the Code of West Virginia, 1931, as amended, relating to the controlled substance schedules and to clean-up errors identified in the code sections.

Referred to the Committee on the Judiciary.

Senator Chapman offered the following resolution:

Senate Resolution 39—Designating March as Kidney Disease Awareness Month.

Which, under the rules, lies over one day.

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

Senate Resolution 40—Designating March 21, 2025, as West Virginia Arts Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 37, Recognizing Energy Council on its 50th anniversary.

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

At the request of Senator Phillips, 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 38, Designating March 20, 2025, as Mingo County Day.

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

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

At the request of Senator Woelfel, and by unanimous consent, the remarks by Senators Maynard and Hart regarding the adoption of Senate Resolution 38 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 450, Establishing WV Guardian Program.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 450) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 450) takes effect from passage.

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 731, Terminating Design Build Board.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 731) passed with its title.

Senator Martin moved that the bill take effect July 1, 2025.

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 731) takes effect July 1, 2025.

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

Eng. Senate Bill 734, Repealing section creating A. James Manchin Rehabilitation Environmental Action Plan.

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 Senate Bill 734 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—29.

The nays were: Garcia, Hamilton, Oliverio, Queen, and Woelfel—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 734) 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 736, Relating to publication of registered lobbyist information.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 736) 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 738, Terminating Employee Suggestion Award Board.

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 Senate Bill 738 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, and Smith (Mr. President)—25.

The nays were: Deeds, Garcia, Oliverio, Queen, Takubo, Weld, Willis, Woelfel, and Woodrum—9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 738) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 75, Changing distribution of income from excess lottery fund.

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 76, Increasing WV Natural Resources Police Officer Retirement System accrued benefit for certain members.

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 601, Relating to fees and charges for municipality-provided fire services.

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

Senate Bill 615, Eliminating accelerated tax payment requirements.

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 683, Relating to land sales by Auditor.

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

On motion of Senator Rucker, 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:

ARTICLE 2. DELINQUENCY AND METHODS OF ENFORCING PAYMENT.

§11A-2-14. Correction of delinquent lists by county commission; certification to Auditor; recordation.

The sheriff shall on or before ~~May~~ June 15 of each year present the delinquent lists to the county commission for examination. The county commission having become satisfied that the lists are correct, or having corrected them if erroneous, shall direct the clerk of the county commission to certify a copy of each list, pertaining to real property, to the Auditor not later than ~~June~~ July 1 of each year. The original lists shall be preserved by the clerk in his or her office, and the list of delinquent real estate shall be recorded in a permanent book to be kept by him or her for that purpose.

ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE AND UNAPPROPRIATED LANDS.

§11A-3-2. Second publication of list of delinquent real estate; notice.

(a) On or before ~~the~~ September 10 of each year, the sheriff shall prepare a second list of delinquent lands, which shall include all real estate in his or her county remaining delinquent as of the first day of September, together with a notice of sale, in form or effect as follows:

Notice is hereby given that the following described tracts or lots of land or undivided interests therein in the County of _____ and the tax liens that encumber the same which are delinquent for the nonpayment of taxes for the year (or years) 20_____, will be certified to

the Auditor for disposition pursuant to West Virginia Code §11A-3-44 on the 31st day of October, 20_____.

Upon certification to the Auditor, tax liens on each unredeemed tract or lot, or each unredeemed part thereof or undivided interest therein, shall be sold at public auction to the highest bidder in an amount which shall ~~be~~ not ~~be~~ less than the taxes, interest, and charges which ~~shall~~ ~~be~~ are due thereon to the date of sale, as set forth in the following table:

Name of person charged with taxes	Quantity of land	Local description	Total amount of taxes, interest, and charges due to date of sale

If any of ~~said~~ tracts or lots remain unsold following the auction, they shall be subject to sale by the Auditor without additional advertising or public auction, such terms as the Auditor deems appropriate pursuant to §11A-3-48 of this code.

Any of the ~~aforesaid~~ tracts or lots, or part thereof or an undivided interest therein, may be redeemed by the payment to the undersigned sheriff (or collector) before certification to the Auditor, of the total amount of taxes, interest, and charges due thereon up to the date of redemption by credit card, cashier's check, money order, certified check, or United States currency. Payment must be received in the tax office by the close of business on the last business day prior to the certification.

After certification to the Auditor, any of the aforesaid tracts or lots may be redeemed by any person entitled to pay the taxes thereon, the owner of the same whose interest is not subject to separate assessment, or any person having a lien on the same, or on an undivided interest therein, at any time prior to the sale by payment to the Auditor of the total amount of taxes, interest, and charges due thereon up to the date of redemption.

Given under my hand this _____ day of

_____, 20_____.

Sheriff (or collector).

The sheriff shall publish the list and notice prior to the sale date fixed in the notice as a Class III-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for ~~such~~ the publication ~~shall be~~ is the county.

(b) In addition to such publication, ~~no~~ not less than 30 days prior to the sale by the Auditor pursuant to §11A-3-44 of this code, the sheriff shall send a notice of the delinquency and the date of sale by certified mail to:

(1) ~~To~~ The last known address of each person listed in the land books whose taxes are delinquent;

(2) ~~to~~ Each person having a lien on real property upon which the taxes are due as disclosed by a statement filed with the sheriff pursuant to the provisions of §11A-3-3 of this code;

(3) ~~to~~ Each other person with an interest in the property or with a fiduciary relationship to a person with an interest in the property who has in writing delivered to the sheriff on a form prescribed by the Tax Commissioner a request for such notice of delinquency; and

(4) In the case of property which includes a mineral interest but does not include an interest in the surface other than an interest for the purpose of developing the minerals, to each person who has in writing delivered to the sheriff, on a form prescribed by the Tax Commissioner, a request for such notice which identifies the person as an owner of an interest in the surface of real property that is included in the boundaries of such property. ~~Provided, That~~

(c) In any case where the sheriff does not receive a signature in response to the notice sent by certified mail, the sheriff's tax deputy, or designee, shall deliver the notice by personal service to the physical location of the subject property to obtain a receipt signature from each of the property's owners of record. For residential property where the owner of record does not reside at the property, the tax deputy or designee shall deliver the notice by personal service to any residents or occupants of the property and seek location information of all owners of record from the residents or occupants. If the location information is obtained from the residents or occupants, the tax deputy or designee shall deliver the notice by personal service to that location to obtain the owner's receipt signature.

(d) In a case where one owner owns more than one parcel of real property upon which taxes are delinquent, the sheriff may, at his or her option, mail separate notices to the owner and each lienholder for each parcel or may prepare and mail to the owner and each lienholder a single notice which pertains to all such delinquent parcels. If the sheriff elects to mail only one notice, that notice shall set forth a legally sufficient description of all parcels of property on which taxes are delinquent. ~~In no event shall~~ any event, failure to receive the mailed notice by the landowner or lienholder does not affect the validity of the title of the property conveyed if it is conveyed pursuant to §11A-3-27 or §11A-3-59 of this code.

~~(e)~~ (e) To cover the cost of preparing and publishing the second delinquent list, a charge of \$25 shall be added to the taxes, interest, and charges already due on each item and all such charges shall be stated in the list as a part of the total amount due.

~~(d)~~ (f) To cover the cost of preparing and mailing notice to the landowner, lienholder, or any other person entitled thereto pursuant to this section, a charge of \$10 per addressee shall be added to the taxes, interest, and charges already due on each item and all such charges shall be stated in the list as a part of the total amount due.

~~(e)~~ (g) Any person whose taxes were delinquent on the first day of September may have his or her name removed from the delinquent list prior to the time the same is delivered to the newspapers for publication by paying to the sheriff the full amount of taxes and costs owed by the person at the date of such redemption. In such case, the sheriff shall include but \$3 of the costs provided in this section in making such redemption. Costs collected by the sheriff under this section which are not expended for publication and mailing shall be paid into the General County Fund.

§11A-3-44. Auditor to certify list of lands to be sold; lands so certified are subject to sale.

On or after March 1 and on or before ~~August~~ July 1 of each year, the Auditor shall certify a list of all lands subject to sale under this article. He or she shall note the fact of certification on the land record in his or her office. Upon completion of the list for certification, a charge of \$25 shall be added to the taxes, interest, and charges already due on each tract listed, to cover the costs incurred by the Auditor in the preparation of the list. ~~and~~ In the event of sale or redemption, the same shall be collected and paid into the operating fund provided for in this article.

Escheated lands and waste and unappropriated lands shall be listed separately. The list shall be arranged by districts and, except in the case of waste and unappropriated lands, alphabetically by the name of the owner. The list shall state as to each item listed the information required by §11A-3-35 of this code to be set forth in the land record in the Auditor's office, and shall specify as to each tract listed as delinquent or non-entered the amount of taxes and interest due or chargeable thereon on the date of certification, the publication and other charges due, with interest, and the total currently due. The specification of taxes due or chargeable shall as to delinquent land commence with those for nonpayment of which it was certified, and as to non-entered land with those properly chargeable to it for the first year of nonentry, subject to the provisions of the proviso set forth in §11A-3-38(b) of this code.

All items certified by the Auditor shall be numbered consecutively. All subsequent entries, applications, or proceedings under this article ~~in~~ with respect to any item shall refer to its number and the year of certification. Notwithstanding any provisions of this article to the contrary, all tracts, lots, or parcels certified to the Auditor as a unit may be treated by the Auditor as a single item for purposes of certification. Subject to the provisions of this section, the Auditor shall prescribe a form for the list and shall provide in such form adequate space to show the subsequent history and final disposition of each item certified.

The list shall be made in quadruplicate. The Auditor shall keep the original and send one copy to the clerk of the county commission, one to the sheriff, and one to the West Virginia Land Stewardship Corporation created pursuant to §31-21-1 *et seq.* of this code. The clerk of the county commission shall bind his or her copy in a permanent book to be labeled "Report of Auditor of Delinquent and Non-Entered Lands" and shall note the fact of the certification of each item on his or her record of delinquent lands. Such copies delivered to the clerk of the county commission and the sheriff shall become permanent records, and shall be preserved as such in the offices of the Auditor and the clerk of the county commission.

§11A-3-45. Auditor to hold annual auction.

(a) Each tract or lot certified by the Auditor pursuant to §11A-3-44 of this code shall be sold by him or her at public auction at the courthouse of the county to the highest eligible bidder during the courthouse's normal operating hours on any business working day within ~~90~~ 150 days after the Auditor has certified the lands as required by §11A-3-44 of this code.

(1) The Auditor, in his or her sole discretion, may engage a private auctioneer to conduct the annual public auction. When a private auctioneer is engaged and the amount of the sale exceeds the tax liability on the tract or lot, a buyer's fee equal to 10 percent of each successful bid shall be imposed upon the bidder and paid to the auctioneer at the time the sale is consummated. The buyer's fee is in addition to the full bid amount.

(2) The payment for any tract or lot purchased at a sale shall be made by check, U. S. currency, or money order payable as one payment to the Auditor ~~and in the amount of \$50 and the remainder of the total to the sheriff of the county in which the property is situated, both of which shall be delivered before the close of business on the day of sale.~~ A part or interest in any tract or lot subject to such sale, or any part thereof of interest therein, that is less than the entirety of ~~such the~~ the unredeemed tract, lot, or interest, as the same is described and constituted as a unit or entity in said list, ~~shall may not~~ be offered for sale ~~or nor~~ sold at ~~such the~~ the sale. If the sale ~~shall not be~~ is not completed on the first day of the sale, it shall be continued from day to day between the same hours until all the land ~~shall have~~ has been offered for sale. Bidding at an auction held pursuant to this section constitutes transacting business in this state for purposes of §31B-10-1001 *et seq.*, §31D-15-1501 *et seq.*, and §31E-14-1401 *et seq.* of this code.

(b) A private, nonprofit, charitable corporation, incorporated in this state, which has been certified as a nonprofit corporation pursuant to the provisions of Section 501(c)(3) of the federal Internal Revenue Code, as amended, which has as its principal purpose the construction of housing or other public facilities and which notifies the Auditor of an intention to bid and subsequently submits a bid that is not more than five percent lower than the highest bid submitted by any person or organization which is not a private, nonprofit, charitable corporation as defined in this subsection, shall be sold the property offered for sale at public auction by the Auditor pursuant to the provisions of this section at the public auction as opposed to the highest bidder.

The nonprofit corporation referred to in this subsection does not include a business organized for profit, a labor union, a partisan political organization, ~~or an organization engaged in religious activities, nor and it does not include~~ any other group ~~which does not have~~ unless that other group has as its principal purpose the construction of housing or public facilities.

(c) To attain eligibility to bid at a public auction held pursuant to this section, a potential bidder must register in advance of such public auction with the Auditor's office or complete and execute a notarized affidavit affirming that they meet the requirements set forth in this article on the day of the sale. Registration shall be done in accordance with rules promulgated by the State Auditor's office. The Auditor may deregister or refuse to register a potential bidder who:

(1) Has failed to make a payment owed at a prior auction held pursuant to this section within the preceding five years;

(2) At the time of ~~registration~~ the certification of sale to the state pursuant to §11A-3-44 of this code is delinquent in the payment of real property tax for a period of one or more years, for which registrant is the ~~most recent~~ owner of record of a property being certified for sale, to any county in this state;

(3) Has a history of noncompliance with code enforcement violations issued by a county or municipality pursuant to §7-1-3ff and §8-12-16 of this code, which includes violations issued for any property owned by the same property owner who has failed to comply with five or more code enforcement orders within the preceding five years prior to the auction;

(4) At the time of ~~registration~~ the certification of sale to the state pursuant to §11A-3-44 of this code is subject to legal proceedings in any court of any county or municipality in this state or appeals thereof that are related to code enforcement violations regarding real property owned by him or her; and

(5) Within the preceding five years prior to the auction, has failed to comply with a valid raze or repair order (or any other similar order) issued by a county or municipality.

(d) Potential bidders who are domestic or foreign entities as defined in chapters 31B, 31D, and 31E of this code must show proof at the time of their registration that they properly registered with the Secretary of State's office and are authorized to conduct business in this state.

(e) In order to effectuate the purposes of this section, the Auditor may promulgate procedural rules, interpretive rules, and legislative rules, including emergency rules, or any combination thereof, in accordance with §29A-3-1 *et seq.* of this code.

§11A-3-46. Publication of notice of auction.

(a) Once a week for three consecutive weeks prior to the auction required in §11A-3-45 of this code, the Auditor shall publish notice of the auction as a Class III-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county.

(b) The notice shall be in form or effect as follows:

Notice is hereby given that the following described tracts or lots of land in the County of _____, have been certified by the Auditor of the State of West Virginia, for sale at public auction. The lands will be offered for sale by the undersigned Auditor at public auction in (specify location) the courthouse of _____ County between the hours of _____ in the morning and _____ in the afternoon, on the _____ day of _____, 20_____.

Each tract or lot as described below will be sold to the highest eligible bidder at the auction. The payment for any tract or lot purchased at a sale shall be made by check, U. S. currency, or money order payable as one payment to the Auditor ~~and in the amount of \$50 and the remainder of the total to the sheriff of the county in which the property is situated, both of which shall be delivered before the close of business on the day of the sale.~~ When the Auditor has engaged a private auctioneer for the sale, and the sale exceeds the tax liability on the tract or lot, the highest eligible bidder also shall pay to the auctioneer a buyer's fee equal to 10 percent of the successful bid. The buyer's fee shall be paid at the time the sale is consummated. If any of said tracts or lots remain unsold following the auction, they will be subject to later sale without additional advertising or public auction. All potential bidders must register in advance of the auction with the Auditor's office. Citizens of or entities organized in or controlled by citizens of any country designated as a Country of Particular Concern by the Department of State of the United States of America are ineligible from participating in the auction held pursuant to this section. Bidding at the auction constitutes transacting business in this state for purposes of §31B-10-1001 *et seq.*, §31D-15-1501 *et seq.*, and §31E-14-1401 *et seq.* of this code. The Auditor's sale may include tracts or lots remaining unsold from a previous auction not required by law to be readvertised and described for this subsequent auction of those same tracts and lots. All sales are subject to the approval of the Auditor of the State of West Virginia.

(here insert description of advertised lands to be sold)

Any of the aforesaid tracts or lots may be redeemed by any person entitled to pay the taxes thereon, the owner of the same whose interest is not subject to separate assessment, or any person having a lien on the same, or on an undivided interest therein, at any time prior to the sale

by payment to the Auditor of the total amount of taxes, interest, and charges due thereon up to the date of redemption. Lands listed above as escheated or waste and unappropriated lands may not be redeemed.

Given under my hand this _____ day of _____,
20_____.

_____ Auditor of the State of West Virginia.

~~(b)~~ (c) The description of lands required in the notice shall be in the same form as the list certifying ~~said~~ the lands for sale. If the Auditor is required to auction lands certified to him or her in any previous years, pursuant to §11A-3-48 of this code, he or she shall include such lands in the auction without further advertisement, with reference to the year of certification and the item number of the tract or interest.

~~(c)~~ (d) To cover the cost of preparing and publishing the notice, a charge of \$30 shall be added to the taxes, interest, and charges due on the delinquent and nonentered property.

§11A-3-48. Unsold lands subject to sale without auction or additional advertising.

(a) If any of the lands which have been offered for sale at the public auction provided in §11A-3-45 of this code shall remain unsold following such auction, or were sold at a tax sale auction within the previous five years which were not redeemed and for which no deed was secured by the purchaser, or if the Auditor refuses to approve the sale pursuant to §11A-3-51 of this code, the Auditor may sell the lands without any further public auction or additional advertising of the land, in the following priority:

(1) To a person vested with an ownership interest in an adjacent tract or parcel of land: *Provided*, That if more than one adjacent landowner desires to acquire the same tract or lot, then the Auditor shall sell such tract or lot to the highest bidder;

(2) to the municipality in which the tract or lot is located;

(3) the county commission of the county in which the tract or lot is located;

(4) to the West Virginia Land Stewardship Corporation as part of its Land Bank Program set forth in §31-21-11 of this code; or

(5) to any party willing to purchase such property.

(b) The price of such property shall be as agreed upon by the Auditor and purchaser: *Provided*, That the Auditor may engage a licensed attorney to provide a title examination on lands set forth in the preceding subsection and require that a purchaser reimburse the Auditor for any expenses related to the title examination as a condition for the sale: *Provided, however*, That instead of the Auditor, a purchaser may engage a licensed attorney to provide a title examination at his or her own cost.

(c) The Auditor may refuse to sell unsold lands to a potential buyer that is subject to any of the following:

(1) Has failed to make a payment owed at a prior previous auction held pursuant to §11A-3-45 of this code within the preceding five years;

(2) At the time of ~~registration~~ the certification of sale to the state pursuant to §11-3-44 of this code is delinquent in the payment of real property tax for a period of one or more years, for which registrant is the ~~most recent~~ owner of record of a property being certified for sale, to any county in this state;

(3) Has a history of noncompliance with code enforcement violations issued by a county or municipality pursuant to §7-1-3ff and §8-12-16 of this code, which includes violations issued for any property owned by the same property owner who has failed to comply with five or more code enforcement orders within the preceding five years prior to the purchase;

(4) At the time of ~~registration~~ the certification of sale to the state pursuant to §11-3-44 of this code, is subject to legal proceedings in any court of any county or municipality in this state or appeals thereof that are related to code enforcement violations regarding real property owned by them; and

(5) Within the preceding five years prior to the purchase, has failed to comply with a valid raze or repair order (or any other similar order) issued by a county or municipality.

§11A-3-55. Service of notice.

(a) As soon as the Auditor has prepared the notice provided for in §11A-3-54 of this code, he or she shall cause it to be served upon all persons named on the list generated by the purchaser pursuant to the provisions of §11A-3-52 of this code. Such notice shall be mailed and, if necessary, published at least 45 days prior to the first day a deed may be issued following the Auditor's sale.

(b) The notice shall be served upon all such persons residing or found in the state in the manner provided for serving process commencing a civil action or by certified mail, return receipt requested, or other types of delivery service courier that provide a receipt. The notice shall be served on or before the 30th day following the request for such notice.

(c) The notice shall be served upon persons not residing or found in the state by certified mail, return receipt requested, or in the manner provided for serving process commencing a civil action or other types of delivery service courier that provide a receipt. The notice shall be served on or before the ~~30 days~~ 30th day following the request for the notice.

(d) If the address of a person is unknown to the purchaser and cannot be discovered by due diligence on the part of the purchaser, the notice shall be served by publication as a Class III-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall be the county in which the real property is located. If service by publication is necessary, publication shall be commenced within 60 days following the request for the notice, and a copy of the notice shall, at the same time, be sent pursuant to subsection (b) or (c) of this section, to the last known address of the person to be served. The return of service of the notice and the affidavit of publication, if any, shall be in the manner provided for process generally and shall be filed and preserved by the State Auditor in his or her office, together with any return receipts for notices sent by certified mail.

(e) In addition to the other notice requirements set forth in this section, if the real property subject to the tax lien was classified as Class II property at the time of the assessment, at the same time the Auditor issues the required notices by certified mail, the Auditor shall forward a copy of the notice sent to the delinquent taxpayer by first class mail, or in the manner provided for serving process commencing a civil action, addressed to "Occupant", to the physical mailing address for the subject property. The physical mailing address for the subject property shall be supplied by the purchaser of the property, pursuant to the provisions of §11A-3-52 of this code. Where the mail is not deliverable to an address at the physical location of the subject property, the copy of the notice shall be sent to any other mailing address that exists to which the notice would be delivered to an occupant of the subject property.

(f) Upon failure of service of the notice to redeem on any person, the Auditor shall inform the purchaser of said failure. The purchaser shall then search the county records for a new alternative address for that person to provide to the Auditor. If a new alternative address is found, this notice to redeem shall be served by personal service. In the event that the subsequent service fails, or no alternative address is found, the notice shall be served by publication in the manner provided under subsection (d) of this section. Prior to the request to serve by publication under this instance, the purchaser shall provide the Auditor with a signed and notarized affidavit stating that they have searched the county records and were unable to find an alternative address through due diligence and request that publication be made to satisfy the notice requirement.

§11A-3-65. Right of former owner to surplus proceeds.

The former owner of any delinquent or nonentered lands sold pursuant to §11A-3-45 and §11A-3-48, or his or her heirs or assigns, shall be entitled to the surplus received from the sale over and above the taxes and interest charged or chargeable thereon including all costs of the sale, if his or their claim be the claim is filed in the circuit court of the county in which the land is situated within two years after the date of confirmation of said the sale. If a claim is not filed with the court within the two years, then such two-year period, then the surplus shall be paid by the sheriff to the Auditor as follows: 50 percent for credit to the general school fund; 25 percent for credit to the state's General Revenue Fund; and 25 percent for credit to the Auditor's Land Operating Fund provided in §11A-3-36 of this code.

The bill (Com. Sub. for S. B. 683), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 710, Relating to the practice of teledentistry.

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

Senate Bill 733, Relating to membership composition of Legislative Oversight Commission on Department of Transportation Accountability.

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 746, Allowing State Board of Education to delegate its Medicaid provider status to public charter schools.

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 2129, Creating the Parents Bill of Rights.

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:

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

ARTICLE 12. PARENTS' BILL OF RIGHTS.

§49-12-1. Short title.

This article shall be known and may be cited as the "Parents' Bill of Rights".

§49-12-2. Legislative findings and definition.

(a) The Legislature finds that it is a fundamental right of parents to direct the upbringing, education, care, and medical care of their minor children. The Legislature further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor child's health, well-being, and education, while the minor child is in the custody of the school district.

(b) For purposes of this article, the term "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

§49-12-3. Infringement of parental rights.

The state, any of its political subdivisions, any other governmental entity, or any other state institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.

§49-12-4. Parental rights.

(a) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other state institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

(1) The right to direct the education and care of his or her minor child.

(2) The right to direct the upbringing and the moral or religious training of his or her minor child.

(3) The right to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.

(4) The right to access and review all school records relating to his or her minor child.

(5) The right to make health care decisions for his or her minor child, unless otherwise prohibited by law.

(b) The right to parental rights guaranteed by this article shall not be denied or abridged on account of disability.

(c) A parent may raise this article as a defense before any court or administrative tribunal. In addition, any person aggrieved by the provisions of this article may bring an action for injunctive relief against a person who engages in conduct that constitutes a violation of this article in the circuit court of any county in which any part of the conduct occurs. The circuit court may grant any appropriate injunctive relief to prevent or abate the conduct, including a temporary restraining order, preliminary injunction, or permanent injunction.

§49-12-5. Applicability; limitations.

(a) This article applies to state and local laws, rules, or ordinances, and the implementation of that law, rule, or ordinance, whether statutory or otherwise. Statutory law adopted after the date of the enactment of this article is subject to this article unless such law explicitly excludes such application by reference to this article.

(b) This article does not:

(1) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;

(2) Condone, authorize, approve, or apply to a parental action or decision that would end life;

(3) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or

(4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2129) was laid over one day, retaining its place on the calendar, with the Judiciary committee amendment pending.

Eng. Com. Sub. for Com. Sub. for House Bill 2441, To make those who fail drug test ineligible for unemployment.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 1, Requiring utility work and road paving coordination.

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

Senate Bill 100, Allowing members of State Police retirement system to use accrued leave as credit toward retirement.

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

Senate Bill 105, Updating retirement eligibility for certain sheriffs.

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

Com. Sub. for Senate Bill 578, Relating to pet food packages.

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

Senate Bill 579, Relating to Home Rule Reform.

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

Senate Bill 743, Adjusting percentage of tax retained by clerk of county commission for certain purposes.

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

Senate Bill 747, Relating to Real Estate License Act.

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

Eng. Com. Sub. for House Bill 2331, Relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Takubo, Phillips, Helton, and Roberts.

Thereafter, at the request of Senator Garcia, and by unanimous consent, the remarks by Senator Takubo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 20, 2025

The Honorable Patrick Morrisey, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

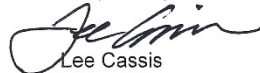
Com. Sub. for S. B. 8, Providing additional sites and devices for newborn safe surrender;

And,

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

These bills are presented to you on this day, March 20, 2025.

Respectfully submitted,


Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates



HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

March 20, 2025

The Honorable Patrick Morrissey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrissey,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, has been examined and found truly enrolled:

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

This bill is presented to you on this day, March 20, 2025.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey Pack".

Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

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 19, 2025:

Senate Bill 292: Senator Rucker;

Com. Sub. for Senate Bill 618: Senator Hart;

Senate Bill 633: Senator Hart;

Senate Bill 676: Senator Hart;

Com. Sub. for Senate Bill 678: Senator Maynard;

Senate Bill 688: Senator Hart;

Senate Bill 694: Senator Hart;

Senate Bill 721: Senator Hart;

Senate Bill 758: Senator Bartlett;

Senate Bill 761: Senator Bartlett;

Senate Bill 800: Senator Oliverio;

Senate Bill 803: Senator Fuller;

Senate Bill 805: Senator Hart;

Senate Bill 806: Senator Woelfel;

Senate Bill 807: Senators Fuller, Thorne, and Rucker;

Senate Bill 808: Senator Garcia;

Senate Bill 810: Senators Fuller, Taylor, Bartlett, Rose, Roberts, Maynard, and Hart;

Senate Bill 812: Senator Thorne;

Senate Bill 814: Senator Woelfel;

Senate Bill 816: Senators Bartlett and Taylor;

Senate Bill 820: Senators Fuller, Roberts, and Rucker;

Senate Joint Resolution 4: Senator Woelfel;

Senate Resolution 35: Senator Helton;

Senate Resolution 36: Senator Helton;

Senate Resolution 37: Senator Fuller;

And,

Senate Resolution 38: Senators Rose and Hart.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:07 p.m., the Senate adjourned until tomorrow, Friday, March 21, 2025, at 10 a.m.

SENATE CALENDAR

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

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

UNFINISHED BUSINESS

S. R. 39 - Designating March as Kidney Disease Awareness Month

S. R. 40 - Designating March 21, 2025, as WV Arts Day

THIRD READING

Eng. S. B. 75 - Changing distribution of income from excess lottery fund

Eng. Com. Sub. for S. B. 76 - Increasing WV Natural Resources Police Officer Retirement System accrued benefit for certain members

Eng. Com. Sub. for S. B. 601 - Relating to fees and charges for municipality-provided fire services

Eng. S. B. 615 - Eliminating accelerated tax payment requirements (original similar to HB2012)

Eng. Com. Sub. for S. B. 683 - Relating to land sales by Auditor

Eng. Com. Sub. for S. B. 710 - Relating to the practice of teledentistry (original similar to HB3196)

Eng. S. B. 733 - Relating to membership composition of Legislative Oversight Commission on Department of Transportation Accountability

Eng. Com. Sub. for S. B. 746 - Allowing State Board of Education to delegate its Medicaid provider status to public charter schools

Eng. Com. Sub. for Com. Sub. for H. B. 2441 - To make those who fail drug test ineligible for unemployment

SECOND READING

Com. Sub. for S. B. 1 - Requiring utility work and road paving coordination

S. B. 100 - Allowing members of State Police retirement system to use accrued leave as credit toward retirement

S. B. 105 - Updating retirement eligibility for certain sheriffs (original similar to SB192)

Com. Sub. for S. B. 578 - Relating to pet food packages

S. B. 579 - Relating to Home Rule Reform

S. B. 743 - Adjusting percentage of tax retained by clerk of county commission for certain purposes

S. B. 747 - Relating to Real Estate License Act (original similar to HB2010)

Eng. Com. Sub. for H. B. 2129 - Creating the Parents Bill of Rights. - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2331 - Relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules - (Com. amend. pending)

FIRST READING

Com. Sub. for S. B. 128 - Preventing courts from ordering services at higher rate than Medicaid

Com. Sub. for S. B. 595 - Creating Mountain Bike Responsibility Act

Com. Sub. for S. B. 721 - Authorizing use of unmanned aerial vehicles to track certain mortally wounded wild animals

Com. Sub. for S. B. 800 - Relating to insurance holding company systems

Eng. Com. Sub. for H. B. 2158 - Relating to removal of a sunset clause for the West Virginia spay and neuter program - (Com. amend. and title amend. pending)