

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2025
FIFTY-FIRST DAY

Charleston, West Virginia, Thursday, April 3, 2025

The Senate met at 11:07 a.m.

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

Prayer was offered by the Honorable Christopher A. Rose, a senator from the second district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rollan A. Roberts, a senator from the ninth district.

Pending the reading of the Journal of Wednesday, April 2, 2025,

At the request of Senator Taylor, 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 the family of the Honorable Ben Queen, a senator from the twelfth district, and Medal of Valor recipients and their family members privileges of the floor for the day.

The Senate then proceeded to the third order of business.

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

Eng. House Bill 2010—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 Rules.

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

Eng. Com. Sub. for House Bill 2011—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Human Services, Health Care Provider Tax, Medical State Share Fund, fund 5090, fiscal year 2025, organization 0511 by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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 2015—A Bill to amend the Code of West Virginia, 1931, as amended, by amending §29-12-15, relating to extending the moratorium on providing new or additional property or liability insurance coverage to certain entities by the Board of Risk and Insurance Management.

Referred to the Committee on Banking and Insurance.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2027—A Bill to amend and reenact §49-4-111 of the Code of West Virginia, 1931, as amended, relating to changing circumstances for when a child may be removed from a foster home.

Referred to the Committee on Health and Human Resources; 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. Com. Sub. for House Bill 2054—A Bill to amend and reenact §60-4-3a; §60-7-2; §60-7-3; §60-7-8c; §60-7-8d; §60-7-8e; §60-7-8g; §60-8-2; and §60-8-32a of the Code of West Virginia, 1931, as amended, amending liquor sampling requirements; revising definitions; addressing and making minor corrections in the Alcohol Beverage Control Administration ("ABCA") code sections correcting mistakes relating to a \$100 requirement for canned or packaged food; removing the requirement that a private farmers market or private food court with two or more unrelated vendors applying for a license must certify that all vendors have agreed to liability responsibility therein and removing the requirement that a private farmers market or private food court provide a written copy of the agreement between all vendors acknowledging that each vendor is jointly and severally liable for any violations; authorizing the use of self-pour automated systems for nonintoxicating beer, cider, and wine by the drink on licensee premises; removing the requirement that a joint and several liability agreement be executed between the multiple vendors at a multi-vender fair or festival; regulating private clubs sale and service of alcoholic and non-intoxicating beverages; providing limitations on sealed craft cocktail or wine growlers sold to persons who have dined in an establishment, or a patron who is in vehicle while picking up food or a meal and ordered a sealed craft cocktail or wine growler; clarifying and expanding the types of licensed entities authorized to participate in a duly permitted private outdoor designated area ("PODA"); defining terms; exempting certain licensees from certain fees; authorizing consumer activity within a PODA; authorizing S1, S2, and S3 licensees to participate in a private outdoor designated area on the premises of a participating Class S4 permit holder

upon written invitation of the Class S4 permit holder; correcting mistaken listed percentage for fortified wine; all generally relating to the licensing, sale and service of alcoholic liquor, nonintoxicating beer or nonintoxicating craft beer, wine, cider, craft and cocktails as beverages or sealed containers, and where same may be sold and served.

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 Com. Sub. for House Bill 2410—A Bill to amend and reenact §16-51-3 of the Code of West Virginia, 1931, as amended; and to repeal §16-51-2, relating to the right to try individualized treatments; and defining terms.

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 2491—A Bill to amending and reenacting §47-21A-1, §47-21A-2, §47-21A-3, §47-21A-4, §47-21A-5, §47-21A-8, and §47-21A-13 of the Code of West Virginia, 1931, as amended, relating to establishing that legislative intent that institutions of higher education have a need for raising funds and granted the privilege of holding online raffles, relating to amending and adding definitions relating to the allowance that institutions of higher education are subject to this article, relating to allowing institutions of higher education to be authorized to conduct certain online raffles without a license, relating to designating that an institution of higher education may hold an online raffle, apply for a license including an annual license, relating to striking the requirement that online charitable raffle licensees utilize a geo-location or geo-fencing technology licensee, relating to striking language that required a licensee to maintain in the state of West Virginia its servers used to transmit information for the purposes of patron participation, relating to providing that charitable online raffle occasions are not considered as a sports wagering activity or an interactive wagering activity, relating to gross proceeds from an institution of higher education's charitable online raffle occasion shall be exempt from certain taxes, relating to the expanded and other information that institutions of higher education must provide in an application for a license to conduct charitable online raffle occasions, and relating to the net proceed disbursement that must occur for proceeds generated by an online charitable raffle occasion conducted by an institution of higher education.

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 2551—A Bill to amend and reenact §19-18-3 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for trespassing livestock; increasing the criminal penalties for the second and subsequent misdemeanor offenses of negligently permitting livestock to run at large and trespass on the property of other landowners which injures a person or destroys the property of another person; extending the period of time in which a person may be charged with a violation of the section; 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 2566—A Bill to amend and reenact §50-1-8, §50-1-9, §50-1-9a and §51-2A-6 of the Code of West Virginia, 1931, as amended; relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

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 2720—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5B-2R-1, §5B-2R-2, §5B-2R-3, §5B-2R-4, §5B-2R-5, §5B-2R-6, §5B-2R-7, §5B-2R-8, §5B-2R-9, and §5B-2R-10, relating to creating the Southern Coalfield Resiliency and Revitalization Program for a period of five years; defining terms; finding that there are challenges facing the counties in which the southern coalfields are located; establishing the Southern Coalfield Resiliency and Revitalization Program; providing that the program will terminate five years after this section goes into effect; establishing revitalization council to organize and prioritize state resources and technical assistance for these counties; directing revitalization council to develop strategies to stimulate economic activity in and around the municipalities in Boone, Logan, McDowell, Mingo, and Wyoming counties in coordination with certain contributing partners to the extent possible; directing revitalization council to annually report; directing Department of Economic Development and revitalization council to facilitate economic development incentives for the counties in which the southern coalfields are located; authorizing Department of Economic Development or other state body to provide state property and equipment to businesses investing in the counties of the southern coalfield area of the state at a reduced cost; providing that the program shall prioritize West Virginia's natural resources, industries, businesses, raw materials, agricultural commodities, and reliable forms of energy.

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

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

Eng. Com. Sub. for Com. Sub. for House Bill 2777—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; removing requirements to submit certain evidence on behalf of home-schooled children; establishing a school choice portal; and providing for exemptions.

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 of

Eng. Com. Sub. for Com. Sub. for House Bill 2787—A Bill to amend and reenact §7-1-3k of the Code of West Virginia, 1931, as amended; relating to permitting county commissions to lease, rent, or permit the use of county-owned wireless towers or any portions thereof to any entity or entities meeting certain criteria, with equipment and systems meeting minimum requirements, and for purposes not prohibited; and prohibiting county commissions from levying charges for use

of county-owners wireless towers or any portions thereof by public safety operations, the West Virginia Department of Highways, or any other state agencies provided the same requirements are met as for other applicants.

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 2866—A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to fees and charges for municipality-provided fire services; providing that no municipality may impose any new fire protection service fee, effective on or after June 30, 2024, on a person located in a county that has imposed a fire service fee without an intergovernmental agreement in place between the municipality and the county commission; providing the required contents of the agreement; providing an exception for increasing existing fees.

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 2961—A Bill to amend the Code of West Virginia, 193, as amended by adding a new article, designated §37-3A-1 and §37-3A-2, relating to prohibiting ownership and possession of real estate by foreign adversaries.

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 2964—A Bill to amend and reenact §8-29-6 of the Code of West Virginia, 1931, as amended, relating to allowing members of regional airport boards to be a resident of the municipality or county in which the airport is located.

At the request of Senator Martin, and by unanimous consent, reference of the bill to a committee was dispensed with.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2973—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to legal actions involving the West Virginia Secondary School Activities Commission; requiring 30 days' notice of claims; establishing procedures for providing 30 days' notice of claims; providing for tolling of claims; providing exceptions for certain claims involving injunctive relief; and clarifying the venue where actions may be brought and prosecuted.

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 3014—A Bill to amend and reenact §16B-3-19 of the Code of West Virginia, 1931, as amended, relating generally to hospital police; creating certain immunities for hospitals with police departments; and clarifying the effect of the section.

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 3145—A Bill to amend and reenact §30-40-26 of the Code of West Virginia, 1931, as amended, relating to the duties of Real Estate Commission licensees; requiring a licensee to have the commission's notice of agency and consumer guide to agency signed at first contact; requiring a licensee to enter into a written notice with a prospective client prior to listing or showing property.

Referred to the Committee on Government Organization; 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 3189—A Bill to amend and reenact §61-5-8 of the Code of West Virginia, 1931, as amended, relating to federal correctional institutions; adding federal correctional institutions to the list of correctional facilities in which it is a criminal offense to deliver any thing unlawfully to a person in custody or confined therein.

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 3294—A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto 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 the Banking and Financial Services Provider 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.

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

Eng. Com. Sub. for House Bill 3350—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2025, organization 0608, and to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2025, organization 0608, by increasing the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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

Com. Sub. for House Concurrent Resolution 88—Recognizing and honoring the First Responders Honor Board's nominees of the Medal of Valor.

At the request of Senator Deeds, 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 Martin demanded the yeas and nays.

The roll being taken, 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 those present and voting having voted in the affirmative, the President declared the resolution (Com. Sub. for H. C. R. 88) adopted.

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

At the request of Senator Martin, and by unanimous consent, at 11:25 a.m., the Senate recessed to present Committee Substitute for House Concurrent Resolution 88.

The Senate reconvened at 11:33 a.m. and, at the request of Senator Maynard, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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

Eng. House Bill 3361—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Health, Bureau for Public Health – Office of Maternal, Child, and Family Health – West Virginia Birth to Three, fund 0426, fiscal year

2025, organization 0506, by increasing an existing item of appropriation for the fiscal year ending June 30, 2025.

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. House Bill 3412—A Bill to amend and reenact §29B-1-2 of the Code of West Virginia, 1931, and to amend the code by adding a new section, designated §29B-1-8, relating to public records; providing exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own rules.

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 3422—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-36-1, relating to the creation of a school choice portal; and requiring the Board of Education to adopt a school choice portal.

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 of

Eng. House Bill 3446—A Bill to amend and reenact §18-5G-3; of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section, designated §18-2-46, relating to requiring public high schools to provide information and support to each student to fill out a Free Application for Federal Student Aid (FAFSA) to promote access to post-secondary education; setting forth support to be provided; allowing the state board to adopt rules; and protecting personal or identifiable data.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect August 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3513—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto two new sections, designated §60-7-12b and §60-7-12c, relating to standards of liability and insurance requirements in certain civil actions; clarifying liability for injury, death, or damages caused by an owner, lessor or licensee of a private club; clarifying liability of intoxicated persons; clarifying liability of persons or licensees for knowingly unlawful sales; setting forth findings and purposes; setting forth standards of liability to bring cause of action for damages resulting from intoxication against an owner, lessor or licensee of a private club; setting forth a rebuttable presumption and exceptions to liability; creating certain insurance requirements; defining terms; and clarifying liability for owners or lessors of property for gross negligence.

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 3514—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to providing that any person convicted of a crime pursuant to §61-8B-1 *et seq.* shall be required to register pursuant to this article, and also relating to clarifying that a person convicted of the former 61-8B-6, relating to the offense of sexual assault of a spouse, which was repealed by an act of the Legislature during the 2000 legislative session shall be required to continue to be registered pursuant to this article.

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 3515—A Bill to amend and reenact §15-2-4 of the Code of West Virginia, 1931, as amended, relating to appointment of officers of the West Virginia State Police; and increasing the number of principal supervisors to 20.

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 3517—A Bill to amend and reenact §8-35-1 and §8-35-2 of the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9D-1, §6-9D-2, §6-9D-2a, §6-9D-3, §6-9D-4, §6-9D-5, §6-9D-6, §6-9D-7, §6-9D-8, §6-9D-9, §6-9D-10, §6-9D-11 and §6-9D-12; and to amend said code by adding thereto by adding 4 new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; requiring certain action be taken by the State Auditor or a designee; and modernizing the process for the dissolution of municipalities.

Referred to the Committee on Finance.

Executive Communications

Senator Smith (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:



Patrick Morrisey
Governor of West Virginia

April 1, 2025

VIA HAND DELIVERY

The Honorable Randy Smith
President of the West Virginia Senate
State Capitol Complex
Building 1, Room 229M
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill 369

Dear President Smith:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 369 with the following objections:

First, the bill authorizes the Board of Pharmacy to promulgate 15 C.S.R. § 15, related to the licensure and regulation of pharmacies. But this rule contains a technical flaw. Several sections provide for *annual* registration and related *annual* licensing fees, *see* 15 C.S.R. § 15-3.2, 5.1, 5.2, even though a bill passed by this Legislature and signed last week directed registrations by this board “be renewed *biennially*.” 87th Leg. Sess. S.B. 291 (eff. June 12, 2025), *codified in* W. Va. Code § 30-5-22(f) (2025) (emphasis added). That means this rule will be out of line with the West Virginia Code almost as soon as it is effective.

Second, the bill authorizes the Board of Respiratory Care to promulgate 30 C.S.R. § 11, related to the practice of telehealth by a licensed respiratory therapist. But the last section of this rule is missing a section name and so is inconsistent with procedural formatting standards for legislative rules, *see* 153 C.S.R. § 5.9 (requiring that section heads “contain the title number, series number, section number, and name of the section”).

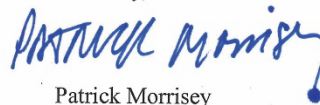
Third, the bill authorizes the Election Commission to promulgate 146 C.S.R. § 3, which is a legislative rule regarding the regulation of campaign finance. While campaign finance laws should ensure transparency, they must also be clear enough to enable citizens to participate in our political process. This rule falls short of that mark and instead, its imprecise and unwieldy regulation of political action committees will likely cause confusion for those attempting to have

their voices heard in our political process. That raises concerns under the First Amendment to the United States Constitution. As the Supreme Court of the United States insists, the “whole point of the First Amendment is to afford individual protections” against “laws that restrict free speech.” *McCutcheon v. FEC*, 572 U.S. 185, 205 (2014).

While I am disapproving Senate Bill 369, the bill authorizes, repeals, and directs the promulgation of several important and timely legislative rules by various constitutional officers, boards, and commissions. I am therefore asking you to expeditiously work to modify and fix the technical flaws I have identified in 15 C.S.R. § 15 and 30 C.S.R. § 11. I also look forward to working with the sponsor of 146 C.S.R. § 3 and the Legislature in the future to craft campaign finance reforms that better protect citizens’ speech and ability to participate in our political process.

As a result of these issues, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 369.

Sincerely,



Patrick Morrissey
Governor

cc: The Honorable Roger Hanshaw
Speaker of the House of Delegates

The Honorable Kris Warner
West Virginia Secretary of State

Senator Martin moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate proceed to reconsider

Enr. Com. Sub. for Senate Bill 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Martin's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill 369, the same was put and prevailed.

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

On pages 8 and 9, by striking out all of section 7 and inserting in lieu thereof a new section 7 to read as follows:

§64-9-7. Election Commission.

The legislative rule filed in the State Register on August 30, 2024, authorized under the authority of §3-1A-5 of this code, modified by the Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2025, relating to the Election Commission (regulation of campaign finance, 146 CSR 03), is authorized with the amendments set forth below:

On page 6, by striking out all of paragraph 2.28.2.e.;

On page 13, subsection 6.5. by striking out the words "or candidate's leadership PAC"

On page 22, subdivision 13.2.1. by striking out the words "including a leadership PAC";

And,

On page 28, by striking out all of subsection 14.8. and inserting in lieu there of a new subsection 14.8. to read as follows:

14.8. Candidate PAC Activities; Prohibitions:

14.8.1. A candidate seeking or an individual holding statewide or legislative office may:

14.8.1.a. Be the principal officer, treasurer, fundraiser, or decision maker for a PAC;

14.8.1.b. Receive contributions to the PAC: *Provided*, that contributions received are subject to the contribution limitations in W. Va. Code § 3-8-5c and the regulation of coordinated expenditures in W. Va. Code § 3-8-9a and subsection 14.2 of this Section;

14.8.1.c. Receive reimbursement for travel and other expenses incurred in the performance of duties for the PAC, and for purchases made on behalf of the PAC: *Provided*, that no reimbursement shall be made for any activities that would constitute personal use or prohibited expenditures; and

14.8.1.d. Sponsor another candidate or individual holding statewide or legislative office for non-campaign political activities as follows:

14.8.1.d.1. For political events not specifically organized for any candidate's committee or campaign, political party events, political meetings, and expenses related thereto such as necessary travel, hotels, meals, and entry fees.;

And,

On pages 13 and 14, section 17, lines 19-25, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The legislative rule filed in the State Register on January 26, 2024, authorized under the authority of §30-1-26 of this code, modified by the Board of Respiratory Care to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 9, 2024, relating to the Board of Respiratory Care (telehealth practice requirements and definitions, 30 CSR 11), is authorized with the amendment set forth below:

On page 2, subdivision 5.2.4. by striking out the word "statue" and inserting in lieu thereof the word "statute";

And,

On page 3, after "§30-11-6." by inserting the words "Authorized Procedures.".

The question now being on the passage of the bill, disapproved by the Governor and amended by the Senate.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for S. B. 369) passed with its title, as amended, as a result of the objections of the Governor.

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 (Enr. Com. Sub. for S. B. 369) takes effect from passage.

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

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2123, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse.

And has amended same.

Eng. Com. Sub. for Com. Sub. for House Bill 2217, Relating to penalties for conspiracy to commit murder.

And has amended same.

And,

Eng. House Bill 2360, Clarifying the victims of crimes against law-enforcement officers.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2123, Eng. Com. Sub. for Com. Sub. for H. B. 2217, and Eng. H. B. 2360) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

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 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2267) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Martin, and by unanimous consent, the bill was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

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

Your Committee on Natural Resources has had under consideration

Eng. Com. Sub. for House Bill 2399, Relating to the taxation of managed timber.

And,

Eng. Com. Sub. for House Bill 2836, Relating to wild animal rehabilitation permits.

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

Respectfully submitted,

Bill Hamilton,
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 Engrossed Committee Substitute for House Bill 2399 contained in the foregoing report from the Committee on Natural Resources.

At the further request of Senator Barrett, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. 2399) was taken up for immediate consideration, read a first time, and ordered to second reading.

Engrossed Committee Substitute for House Bill 2386, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 3089, Mandate the use of WV DMV electronic lien and title system for certain entities and persons.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 3089) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 3162, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party.

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 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, with an amendment from the Committee on Banking and Insurance pending.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3358, Supplemental Appropriation - FBGR - DHHR.

Eng. House Bill 3365, Supplemental Appropriation - HLTH - Birth to Three.

Eng. House Bill 3366, Supplemental Appropriation - FEDA - HLTH - OIG.

Eng. House Bill 3367, Supplemental Appropriation - SAPR - DNR.

Eng. House Bill 3370, Supplemental Appropriation - FEDA - HMSV - Summer EBT.

And,

Eng. House Bill 3372, Supplemental Appropriation - FEDA - Veterans.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. H. B. 3358, 3365, 3366, 3367, 3370, and 3372) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the seventh order of business.

Senate Resolution 44, Memorializing life of basketball legend Jerry West.

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

At the request of Senator Martin, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

Senate Resolution 45, Designating April 3, 2025, as Women and Girls' Day.

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

At the request of Senator Boley, 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 House Bill 2513, Enhancing training requirements for county boards of education members.

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, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Martin, Morris, Oliverio, Phillips, Queen, Roberts, Stuart, Takubo, Tarr, Taylor, Weld, Woelfel, Woodrum, and Smith (Mr. President)—27.

The nays were: Chapman, Hart, Maynard, Rose, Rucker, Thorne, and Willis—7.

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. 2513) passed.

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

Eng. Com. Sub. for House Bill 2513—A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, relating to adding to topics required to be covered by the county board of education member orientation; requiring that any county board of education member who is unable to attend the initial orientation training for good cause complete a make-

up orientation training within 30 days of being sworn in; requiring any appointed member to attend and complete a make-up orientation training within 30 days of being appointed; increasing annual hours of training required of county board of education members; modifying topics required to be covered by training; allowing the West Virginia Board of Education to require a county board of education member to attend additional training under certain conditions; including trainings required by the West Virginia Board of Education with those training for which failure to attend and complete without good cause constitutes neglect of duty; removing January 1 deadline for the requirement that a county board of education member satisfy the annual training requirement in the final year of any four-year term of office and creating exception to that requirement; adding certain non-voting ex officio members to the County Board Member Training Standards Review Committee; requiring the State Superintendent of Schools to report annually to the Legislative Oversight Commission on Education Accountability certain County Board Member Training Standards Review Committee and county board of education related information; setting the county board of education member compensation rate at \$260 per meeting attended unless the board votes to approve a lower rate; and excepting payment for mileage from the requirement for presentation of receipts.

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.

Eng. Com. Sub. for House Bill 2157, Provide one trip temporary vehicle permits to be purchased and printed online.

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

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

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

ARTICLE 7. SPECIAL STICKERS.

§17A-7-2. Operation of motor vehicles by dealers or other persons under special stickers; application and fees; ~~expiration.~~

(a) A member of the West Virginia State Police may at any detachment office, upon application therefor on a form prescribed by the commissioner, issue to a licensed dealer or any other person other than those specified in §17A-7-1 of this code, a paper sticker ~~or decal~~ to be affixed to the left side of the rear window of a motor vehicle or to the left rear of a vehicle which is not self-propelled. Such sticker ~~or decal~~ shall be of a size to be designated by the commissioner and shall be serially numbered and shall ~~have provision thereon to~~ indicate the date of issuance thereof.

(b) A fee of \$10 per sticker shall be collected. The Division of Motor Vehicles may adjust the fee for each sticker every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee amount in a single year. The fees will be dispersed as follows: Half shall be deposited in the State Road Fund and half shall be deposited in the special revenue account within the Division of Highways for the maintenance of the West Virginia welcome centers and rest areas along interstate highways in this state.

~~(c) Such sticker or decal shall be~~ The one-movement sticker authorized by this section is valid for 48 96 hours after its issuance for the operation of a vehicle, whether under its own power or while being towed, one time only over the streets or highways, and upon being once affixed to a vehicle or used for the one-time movement shall become invalid for subsequent use on that or any other vehicle.

~~(d) The provisions of this section enacted in 2017 take effect on July 1, 2017. Any sticker issued pursuant to this section may be in the form of a sticker, decal, or other form prescribed by the commissioner.~~

~~(e) The commissioner shall make one-movement stickers authorized by this section available for purchase online subject to the same requirements and fee set forth in this section: *Provided*, That the fee may be remitted to the division electronically and the sticker may be provided by the division in an electronic format.~~

~~(f) A one-movement sticker issued pursuant to this article may not be used as evidence of ownership of a vehicle.~~

The bill (Eng. Com. Sub. for H. B. 2157), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2172, Relating to adding an athletic trainer to the Board of Physical Therapy.

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

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

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

ARTICLE 20. PHYSICAL THERAPISTS.

§30-20-4. West Virginia Board of Physical Therapy.

~~(a) The West Virginia Board of Physical Therapy is continued. The members of the board in office on July 1, 2010, shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.~~

~~(b) To be effective July 1, 2010 The Governor shall appoint, by and with the advice and consent of the Senate:~~

~~(1) One person who is a physical therapist assistant for a term of five years; and~~

~~(2) One citizen member, who is not licensed under the provisions of this article and who does not perform any services related to the practice of the professions regulated under the provisions of this article or have a financial interest in any health care profession, for a term of three years.~~

~~(c) Commencing July 1, 2010, The board shall consist of the following seven members:~~

~~(1) Five physical therapists, one of whom shall be dual-certified as an athletic trainer;~~

~~(2) One physical therapist assistant; and~~

~~(4)~~ (3) One citizen member, who is not licensed under the provisions of this article and who does not perform any services related to the practice of the professions regulated under the provisions of this article or have a financial interest in any health care profession, for a term of three years.

~~(d)~~ (c) After the initial appointment term, the term shall be for five years. All Appointments to the board shall be made by the Governor by and with the advice and consent of the Senate.

~~(e)~~ (d) Each A licensed member of the board, at the time of his or her appointment, ~~must~~ shall have held a license in this state for a period of not less than five years immediately preceding the appointment.

~~(f)~~ (e) Each A member of the board ~~must~~ shall be a resident of this state during the appointment term.

~~(g)~~ (f) A member may not serve more than two consecutive full terms. A member may continue to serve until a successor has been appointed and has qualified.

~~(h)~~ (g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant and the appointment shall be made within sixty days of the vacancy.

~~(i)~~ (h) The Governor may remove ~~any~~ a member from the board for neglect of duty, incompetency or official misconduct.

~~(j)~~ (i) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license to practice is suspended or revoked.

~~(k)~~ (j) Any A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

~~(l)~~ (k) The board shall elect annually one of its members as chairperson who serves at the will of the board.

~~(m)~~ (l) Each A member of the board is entitled to compensation and expense reimbursement in accordance with article one of this chapter.

~~(n)~~ (m) A majority of the members of the board constitutes a quorum.

~~(o)~~ (n) The board shall hold at least two annual meetings. Other meetings may be held at the call of the chairperson or upon the written request of two members, at the time and place as designated in the call or request.

~~(p)~~ (o) Prior to commencing his or her duties as a member of the board, ~~each~~ a member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

Following discussion,

The question being on the adoption of Senator Tarr's amendment to the bill, and on this question, Senator Willis demanded the yeas and nays.

Senator Tarr requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a licensed physical therapist and employs athletic trainers in this state.

The Chair replied that any impact on Senator Tarr would be as a member of a class of persons and that he would be required to vote.

The roll being taken, the yeas were: Barrett, Bartlett, Grady, Phillips, Takubo, Tarr, Weld, and Woodrum—8.

The nays were: Azinger, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, Woelfel, and Smith (Mr. President)—26.

Absent: None.

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

The bill (Eng. H. B. 2172) was then ordered to third reading.

Eng. Com. Sub. for House Bill 2233, Authorizing the Department of Environmental Protection to promulgate legislative rules.

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

Eng. Com. Sub. for House Bill 2397, Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority.

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

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

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

ARTICLE 5. FISCAL AFFAIRS.

§7-5-4. Payment of money out of county treasury; signing of orders by mechanical or electrical devices; forgery; penalty.

(a) ~~No money shall~~ Money may not be paid by the sheriff out of the county treasury except upon an order signed by the president ~~of the county commission and clerk of the county court the~~ county clerk, and properly endorsed. ~~Provided, however, That~~ In counties having a population in excess of 50,000 as shown by the last preceding federal census, such signatures ~~and the signature of the sheriff authorizing the payment of such orders by a county depository may be~~ made by means of such mechanical or electrical device as the county court may select. ~~Such~~ The mechanical or electrical device for the making of the signatures of the president and clerk shall be safely kept in the office of the ~~clerk of the county court~~ county clerk so that no one ~~shall have~~ has access ~~thereto~~ except the members of the county court, ~~and the clerk of the county court the~~

~~county clerk, and such of their respective employees as may be authorized to have access. thereto. Such~~ The mechanical or electrical device for the making of the sheriff's signature of the sheriff shall be safely kept in the ~~office of the sheriff~~ sheriff's office so that no one shall have has access ~~thereto~~ except the sheriff and such of his or her deputies as may be authorized to have access. ~~thereto~~

(b) In the event that two or more individuals among the county commission president, sheriff, and county clerk, are family or household members, alternate signatories shall be designated, as follows:

(1) The county commission shall vote to designate another county commissioner who is not a family or household member of any other required signatory to sign for the president;

(2) The chief tax deputy shall sign for the sheriff. If the chief tax deputy is a family or household member of any other signatory, then the county commission shall vote to appoint a resident of the county to serve as a substitute signatory; and

(3) The county clerk is not subject to substitution.

(d) As used in this section, "family or household member" has the same meaning as set forth in §48-27-204 of this code.

(e) If any person, other than the persons authorized ~~so to do shall sign to sign by this section,~~ signs the name of the county commission president, of the county court, the clerk of the county court or the sheriff by the use of any such county clerk, or sheriff, using any mechanical or electrical device, or otherwise, on any warrant, order, or check, or ~~utter or attempt~~ knowingly utters or attempts to employ as true such the forged warrant, order, or check, ~~knowing the same to be forged he shall be~~ he or she is guilty of a felony and, upon conviction, shall be confined in the penitentiary not ~~less~~ fewer than two years and not more than 10 years.

The bill (Eng. H. B. 2397), as amended, was then ordered to third reading.

Eng. House Bill 2678, Relating to school zones of public or private schools.

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

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

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

ARTICLE 6. SPEED RESTRICTIONS.

§17C-6-1. Speed limitations generally; penalty.

(a) No person may drive a vehicle on a highway at a speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. In every event speed shall be controlled as necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.

(b) Where no special hazard exists that requires lower speed for compliance with subsection (a) of this section, the speed of any vehicle not in excess of the limits specified in this section or established as authorized in this section is lawful, but any speed in excess of the limits specified in this subsection or established as authorized in this section is unlawful. The following speed limits apply:

(1) Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property, including school grounds and any street or highway abutting the school grounds and extending 125 feet along the street or highway from the school grounds and, in the case of school property not abutting a street or highway but accessed through a right-of-way granted for entrance to school property, a school zone established by an engineering study conducted by the Division of Highways is all school property, including school grounds and any property within the access right-of-way, and extending 125 feet along the street or highway from the entrance to the access right-of-way. The West Virginia Division of Highways shall erect signage indicating the place of entry and exit of each school zone. Upon a formal vote and a written request by a county board of education, governing board of a public charter school, or governing body of a private school to expand a school zone to a road that is adjacent to school property or from the entrance to an access right-of-way, the West Virginia Division of Highways shall expand the school zone by erecting new signage indicating the expanded school zone's location and speed limit within 90 days of receiving the request: *Provided*, That the school zone may not be expanded more than 125 feet along an adjacent road unless the division determines that the additional extension is needed and necessary for the safety of the school children. The speed restriction does not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the Division of Highways. For purposes of this subdivision, the term "school property" includes any public school, public charter school, and any private school that requests the Division of Highways to designate a school zone;

(2) Twenty-five miles per hour in any business or residence district; and

(3) Fifty-five miles per hour on open country highways, except as otherwise provided by this chapter.

The speeds set forth in this section may be altered as authorized in §17C-6-2 and §17C-6-3 of this code.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(d) The speed limit on controlled access highways and interstate highways, where no special hazard exists that requires a lower speed, shall be not less than 55 miles per hour and the speed limits specified in subsection (b) of this section do not apply.

(e) Unless otherwise provided in this section, any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than \$500: *Provided*, That if the third or subsequent conviction is based upon a violation of the

provisions of this section where the offender exceeded the speed limit by 15 miles per hour or more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more than six months, or both fined and confined.

(f) Any person who violates the provisions of subdivision (1), subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by 15 miles per hour or more in the presence of one or more children, then upon conviction, shall be fined not less than \$100 nor more than \$500 or confined in jail for not more than six months, or both fined and confined: *Provided, however*, That if the signage required by subdivision (1), subsection (b) of this section is not present in the school zone at the time of the violation, then any person who violates said provision is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25.

(g) If an owner or driver is arrested under the provisions of this section for the offense of driving above the posted speed limit on a controlled access highway or interstate highway and if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above the speed limit, then, upon conviction thereof, that person shall be fined not more than \$5, plus court costs.

(h) Any person operating a commercial motor vehicle engaged in the transportation of coal on the coal resource transportation road system who violates subsection (a), (b), or (c) of this section shall, upon conviction, be subject to fines in triple the amount otherwise provided in subsection (e) of this section.

(i) If an owner or driver is convicted under the provisions of this section for the offense of driving above the speed limit on a controlled access highway or interstate highway of this state and if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above the speed limit, then notwithstanding the provisions of §17B-3-4 of this code, a certified abstract of the judgment on the conviction ~~shall~~ may not be transmitted to the Division of Motor Vehicles or, if transmitted, may not be recorded by the division: *Provided*, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter 17E of this code if the offense was committed while operating a commercial vehicle.

(j) If an owner or driver is convicted in another state for the offense of driving above the maximum speed limit on a controlled access highway or interstate highway and if the maximum speed limit in the other state is less than the maximum speed limit for a comparable controlled access highway or interstate highway in this state, and if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above what would be the maximum speed limit for a comparable controlled access highway or interstate highway in this state, then notwithstanding the provisions of §17B-3-4 of this code, a certified abstract of the judgment on the conviction ~~shall~~ may not be transmitted to the Division of Motor Vehicles or, if transmitted, shall may not be recorded by the division, unless within a reasonable time after conviction, the person convicted has failed to pay all fines and costs imposed by the other state: *Provided*, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter 17E of this code, if the offense was committed while operating a commercial vehicle.

The bill (Eng. H. B. 2678), as amended, was then ordered to third reading.

Eng. House Bill 2709, Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot.

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

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

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

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-41. Challenged and provisional voter procedures; counting of provisional voters' ballots; ballots of election officials.

(a) It is the duty of the members of the receiving board, jointly or severally, to challenge the right of any person requesting a ballot to vote in any election:

- (1) If the person's registration record is not available at the time of the election;
- (2) If the signature written by the person in the poll book does not correspond with the signature purported to be his or hers on the registration record;
- (3) If the registration record of the person indicates any other legal disqualification;
- (4) If the person fails to present a valid identifying document pursuant to section ~~thirty-four~~ 34 of this article; or
- (5) If any other valid challenge exists against the voter pursuant to section ~~ten~~ 10, article three of this chapter.

(b) Any person challenged shall nevertheless be permitted to vote in the election. He or she shall be furnished an official ballot not endorsed by the poll clerks. In lieu of the endorsements, the poll clerks shall complete and sign an appropriate form indicating the challenge, the reason ~~thereof~~ therefor, and the name or names of the challengers. The form shall be securely attached to the voter's ballot and deposited together with the ballot in a separate box or envelope marked "provisional ballots".

(c) At the time that an individual casts a provisional ballot, the poll clerk shall give the individual written information stating that an individual who casts a provisional ballot will be able to ascertain under the free access system established in this section whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted.

(d) Before an individual casts a provisional ballot, the poll clerk shall provide the individual written instructions, supplied by the board of ballot commissioners, stating that if the voter is casting a ballot in the incorrect precinct, the ballot cast may not be counted for that election: *Provided*, That if the voter is found to be in the incorrect precinct, then the poll worker shall attempt to ascertain the appropriate precinct for the voter to cast a ballot and immediately give the voter the information if ascertainable.

(e) Provisional ballots may not be counted by the election officials. The county commission shall, on its own motion, at the time of canvassing of the election returns, sit in session to determine the validity of any challenges according to the provisions of this chapter. If the county commission determines that the challenges are unfounded, each provisional ballot of each challenged voter, if otherwise valid, shall be counted and tallied together with the regular ballots cast in the election. The county commission, as the board of canvassers, shall protect the privacy of each provisional ballot cast. The county commission shall disregard technical errors, omissions or oversights if it can reasonably be ascertained that the challenged voter was entitled to vote.

(f) Any person duly appointed as an Election Commissioner or clerk under the provisions of section ~~twenty-eight~~ 28 of this article who serves in that capacity in a precinct other than the precinct in which the person is legally entitled to vote may cast a provisional ballot in the precinct in which the person is serving as a commissioner or clerk. The ballot is not invalid for the sole reason of having been cast in a precinct other than the precinct in which the person is legally entitled to vote. The county commission shall record the provisional ballot on the voter's permanent registration record: *Provided*, That the county commission may count only the votes for the offices that the voter was legally authorized to vote for in his or her own precinct.

(g) The Secretary of State shall establish a free access system, which may include a toll-free telephone number or an Internet website, that may be accessed by any individual who casts a provisional ballot to discover whether his or her vote was counted and, if not, the reason that the vote was not counted.

(h) During the early in-person voting period, and in the case of a voter's address change within the county, the voter may vote in the precinct serving their new address without casting a provisional ballot if the voter shows proof of new address and the change is completed in the state-wide voter registration system by the county clerk prior to canvass.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-31. Rules pertaining to voting after registration or change of address within the county.

(a) A voter who designates a political affiliation with a major party on a registration application filed no later than the close of voter registration before the primary may vote the ballot of that political party in the primary election. Political parties, through the official action of their state executive committees, shall be permitted to determine whether unaffiliated voters or voters of other parties shall be allowed to vote that party's primary election ballot upon request.

(b) A voter whose registration record lists one residence address but the voter has since moved to another residence address within the precinct shall be permitted to update the registration at the polling place and vote without challenge for that reason.

(c) A voter whose registration record lists one residence address but the voter has since moved to another residence address in a different precinct in the same county shall be permitted to update the registration at the polling place serving the new precinct. ~~and~~ The voter shall be permitted to vote as follows:

(1) The voter may cast a challenged or provisional ballot at the new polling place if the voter's registration is found on the registration records within the county during the canvass and no other challenge of eligibility was entered on election day, the challenge shall be removed and the ballot shall be counted;

(2) During the early in-person voting period, the voter may vote in the precinct serving their new address without casting a provisional ballot if the voter shows proof of new address and the change is completed in the state-wide voter registration system by the county clerk prior to canvass.

(d) A voter whose registration record has been placed on an inactive status or transferred to an inactive file and who has not responded to a confirmation notice sent pursuant to the provisions of section ~~twenty-four, twenty-five or twenty-six~~ 24, 25, or 26 of this article and who offers to vote at the polling place where he or she is registered to vote shall be required to affirm his or her present residence address under penalty of perjury, as provided in section ~~thirty-six~~ 36 of this article.

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-3. Early voting in person.

(a) The voting period for early in-person voting is to be conducted during regular business hours beginning on the ~~thirteenth~~ 13th day before the election and continuing through the third day before the election. Additionally, early in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on Saturdays during the early voting period.

(b) Any person desiring to vote during the period of early in-person voting shall, upon entering the election room, clearly state his or her name and residence to the official or representative designated to supervise and conduct absentee voting. If that person is found to be duly registered as a voter in the precinct of his or her residence, he or she is required to sign his or her name in the space marked "signature of voter" on the pollbook. If the voter is unable to sign his or her name due to illiteracy or physical disability, the person assisting the voter and witnessing the mark of the voter shall sign his or her name in the space provided. ~~No ballot may~~ A ballot may not be given to the person until he or she signs his or her name on the pollbook.

(c) When the voter's signature or mark is properly on the pollbook, two qualified representatives of the official designated to supervise and conduct absentee voting shall sign their names in the places indicated on the back of the official ballot.

(d) If the official designated to supervise and conduct absentee voting determines that the voter is not properly registered in the precinct where he or she resides, the clerk or his or her representative shall challenge the voter's absentee ballot as provided in this article: Provided, That the clerk or his or her representative may not challenge the voter's absentee ballot if the voter has had an address change within the county, shows proof of new address, and the address change is completed in the state-wide voter registration system by the county clerk prior to canvass.

(e) The official designated to supervise and conduct absentee voting shall provide each person voting an absentee ballot in person the following items to be printed as prescribed by the Secretary of State:

(1) In counties using paper ballots, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law;

(2) In counties using punch card systems, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law, and a gray secrecy envelope;

(3) In counties using optical scan systems, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law, and a secrecy sleeve; or

(4) For direct recording election systems, access to the voting equipment in the voting booth.

(f) The voter shall enter the voting booth alone and there mark the ballot: *Provided*, That the voter may have assistance in voting according to the provisions of section four of this article. After the voter has voted the ballot or ballots, the absentee voter shall: Place the ballot or ballots in the gray secrecy envelope and return the ballot or ballots to the official designated to supervise and conduct the absentee voting: *Provided, however*, That in direct recording election systems, once the voter has cast his or her ballot, the voter shall exit the polling place.

(g) Upon receipt of the voted ballot, representatives of the official designated to supervise and conduct the absentee voting shall:

(1) Remove the ballot stub;

(2) Place punch card ballots and paper ballots into one envelope which shall not have any marks except the precinct number and seal the envelope; and

(3) Place ballots for all voting systems into a ballot box that is secured by two locks with a key to one lock kept by the president of the county commission and a key to the other lock kept by the county clerk

The bill (Eng. H. B. 2709), as amended, was then ordered to third reading.

Eng. House Bill 3030, Administration of the West Virginia Water Pollution Control 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.

Eng. House Bill 3313, Providing more opportunities for high school students in community colleges.

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

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

On page 6, section 4, line 142, by striking out the words "one-year" and inserting in lieu thereof the words "two years".

The bill (Eng. H. B. 3313), as amended, was then ordered to third reading.

Eng. House Bill 3347, Supplemental Appropriation -Administration - Diamond Bldg.

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

Eng. House Bill 3363, Supplemental Appropriation - Public Defender.

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

Eng. House Bill 3368, Supplemental Appropriation - Administration - Lease Rental Payment.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

The Senate next proceeded to the thirteenth order of business.

The following communication was 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

April 3, 2025

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

Dear Governor Morrisey,

The following bill, 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, has been examined and found truly enrolled:

Com. Sub. for S. B. 458, Universal Professional and Occupational Licensing Act of 2025.

This bill is presented to you on this day, April 3, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee Cassis", is written over a horizontal line.

Lee Cassis
Clerk of the Senate

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

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on April 2, 2025:

Senate Bill 942: Senator Garcia.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bill and resolution on April 2, 2025:

Senate Bill 860: Senator Willis;

And,

Senate Resolution 45: Senator Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:19 p.m., the Senate adjourned until tomorrow, Friday, April 4, 2025, at 11 a.m.

SENATE CALENDAR

**Friday, April 04, 2025
11:00 AM**

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

UNFINISHED BUSINESS

S. R. 44 - Memorializing life of basketball legend Jerry West

THIRD READING

Eng. Com. Sub. for H. B. 2157 - Provide one trip temporary vehicle permits to be purchased and printed online - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 2172 - Relating to adding an athletic trainer to the Board of Physical Therapy

Eng. Com. Sub. for H. B. 2233 - Authorizing the Department of Environmental Protection to promulgate legislative rules

Eng. Com. Sub. for H. B. 2397 - Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority - (Com. title amend. pending)

Eng. H. B. 2678 - Relating to school zones of public or private schools - (Com. title amend. pending)

Eng. H. B. 2709 - Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot - (Com. title amend. pending)

Eng. H. B. 3313 - Providing more opportunities for high school students in community colleges

Eng. H. B. 3347 - Supplemental Appropriation - Administration - Diamond Bldg. (original similar to SB784)

Eng. H. B. 3363 - Supplemental Appropriation - Public Defender (original similar to SB783)

Eng. H. B. 3368 - Supplemental Appropriation - Administration - Lease Rental Payment (original similar to SB769)

SECOND READING

Eng. Com. Sub. for H. B. 2123 - Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse - (Com. amend. pending) (original similar to SB509)

Eng. Com. Sub. for Com. Sub. for H. B. 2217 - Relating to penalties for conspiracy to commit murder - (Com. amend. pending)

Eng. H. B. 2360 - Clarifying the victims of crimes against law-enforcement officers. - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2399 - Relating to the taxation of managed timber (original similar to SB809)

Eng. H. B. 3030 - Administration of the West Virginia Water Pollution Control Act - (Com. amend. pending)

Eng. Com. Sub. for Com. Sub. for H. B. 3089 - Mandate the use of WV DMV electronic lien and title system for certain entities and persons

Eng. H. B. 3358 - Supplemental Appropriation - FBGR - DHHR (original similar to SB780)

Eng. H. B. 3365 - Supplemental Appropriation - HLTH - Birth to Three (original similar to SB774)

Eng. H. B. 3366 - Supplemental Appropriation - FEDA - HLTH - OIG (original similar to SB787)

Eng. H. B. 3367 - Supplemental Appropriation - SAPR - DNR

Eng. H. B. 3370 - Supplemental Appropriation - FEDA - HMSV - Summer EBT (original similar to SB788)

Eng. H. B. 3372 - Supplemental Appropriation - FEDA - Veterans

FIRST READING

Eng. Com. Sub. for H. B. 2964 - Amending residency requirements for regional airport boards

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2025

Friday, April 4, 2025

9:30 a.m.

Finance

(Room 451M)