

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Friday, April 4, 2025

The Senate met at 11:20 a.m.

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

Prayer was offered by Pastor Deborah Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia, who then proceeded in the singing of "There's a Blessing in This House".

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Thursday, April 3, 2025,

At the request of Senator Deeds, 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 Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, of

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 282, Modifying provisions for employment of retired teachers as substitutes in areas of critical need and shortage.

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

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

On page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof the following:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-3. Employment of substitute teachers; and employment of retired teachers as substitutes in areas of critical need and shortage.

(a) The county superintendent, subject to approval of the county board, may employ and assign substitute teachers to any of the following duties:

(1) Fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension, or dismissal;

(2) Fill a teaching position of a regular teacher on leave of absence; and

(3) Perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing the absence is approved by the board of education in accordance with the law.

The substitute shall be a duly certified teacher.

(b) Notwithstanding any other provision of this code to the contrary, a substitute teacher who has been assigned as a classroom teacher in the same classroom continuously for more than one half of a grading period and whose assignment remains in effect two weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return to work by his or her physician. For the purposes of this section, teacher and substitute teacher, in the singular or plural, mean professional educator as defined in §18A-1-1 of this code.

(c) Persons who are hired as long-term substitute teachers shall be provided information by the county board relating to an IEP plan and 504 plan, detailing their uses and what those long-term substitute teachers should do to implement these plans upon their hiring.

(d) (1) The Legislature hereby finds and declares that due to a shortage of qualified substitute teachers, a compelling state interest exists in expanding the use of retired teachers to provide service as substitute teachers in areas of critical need and shortage. The Legislature further finds that diverse circumstances exist among the counties for the expanded use of retired teachers as substitutes.

(2) For the purposes of this subsection:

(A) "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers; and

(B) "Teacher or substitute teacher" includes speech pathologists, school nurses, and school counselors.

(3) A person receiving retirement benefits under §18-7A-1 *et seq.* of this code or who is entitled to retirement benefits during the fiscal year in which that person retired may accept employment as a critical needs substitute teacher for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled if the following conditions are satisfied:

(A) The county board adopts a policy recommended by the superintendent to address areas of critical need and shortage for substitute teachers;

(B) The policy sets forth the areas of critical need and shortage for substitute teachers in the county in accordance with the definition of area of critical need and shortage for substitute teachers set forth in subdivision (2) of this subsection;

(C) The policy provides for the employment of retired teachers as critical needs substitute teachers during the school year on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection;

(D) The policy provides that a retired teacher may be employed as a substitute teacher in an area of critical need and shortage for substitute teachers on an expanded basis as provided in this subsection only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment;

(E) The policy is effective for one school year only and is subject to annual renewal by the county board;

(F) The state board approves the policy and the use of retired teachers as substitute teachers on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection; and

(G) Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the superintendent of the affected county submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

(4) Any person who retires and begins work as a critical needs substitute teacher within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

(5) Retired teachers employed to perform expanded substitute service pursuant to this subsection are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

(6) A retired teacher is eligible to be employed as a critical needs substitute teacher to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

(7) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position-: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and

(C) This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position but the teacher is not available at the time he or she accepts the position.

(8) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board-: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and

(C) This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position but the teacher is not available at the time he or she accepts the position.

(9) Until this subsection is expired pursuant to subdivision (10) of this subsection, the state board shall report to the Joint Committee on Government and Finance, prior to February 1 of each year, information indicating the effectiveness of the provisions of this subsection on reducing the critical need and shortage of substitute teachers including, but not limited to, the number of retired teachers, by critical need and shortage area position filled and by county, employed beyond the post-retirement employment limit established by the Consolidated Public Retirement Board, the date that each person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. A copy of the report shall also be provided to the Legislative Oversight Commission on Education Accountability.

(10) The provisions of this subsection shall expire on ~~June 30, 2025~~ June 30, 2030.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-15a. Employment of retired bus operators as substitutes in areas of critical need and shortage.

(a) The Legislature hereby finds and declares that due to a shortage of qualified substitute bus operators a compelling state interest exists in expanding the use of retired bus operators to provide service as substitute bus operators in an area of critical need and shortage.

(b) The Legislature further finds and declares that this shortage is significant and overarching, and in order to comply with §18-5-13(f)(1) of this code, this need supersedes any preclusion of modification of rights codified in §18-7A-28e of this code.

(1) For the purposes of this subsection: "Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

(2) A person receiving retirement benefits under §18-7A-1 *et seq.* of this code, or who is entitled to retirement benefits during the fiscal year in which that person retired, may accept employment as a critical need substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled, subject to satisfaction of the following conditions:

(A) The county board adopts a policy recommended by the superintendent to address a critical need and shortage for substitute bus operators;

(B) The superintendent of the county board submits the policy to the State Board of Education for approval in the first year of its utilization. After initial approval by the State Board of Education, the county board must annually renew the policy at the local level and provide confirmation to the State Board of Education of its intent to utilize the policy in the subsequent year;

(C) The policy sets forth the critical need and shortage for substitute bus operators in the county in accordance with the definition of area of critical need and shortage for substitute bus operators as provided in subdivision (1) of this subsection;

(D) The policy provides for the employment of retired bus operators as critical need substitute bus operators during the school year on an expanded basis in areas of critical need and shortage for substitute bus operators as provided in this subsection;

(E) The policy provides that a retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage for substitute bus operators on an expanded basis as provided in this subsection only when no other qualified bus operator who is not retired is available and accepts the substitute assignment; and

(F) Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the superintendent of the affected county submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical need substitute bus operator for employment beyond the post-

retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

(3) Any person who retires and begins work as a critical need substitute bus operator within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical need substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical need substitute bus operator.

(4) Retired bus operators employed to perform expanded substitute service pursuant to this subsection are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

(5) A retired bus operator is eligible to be employed as a critical need substitute bus operator to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical need substitute bus operator.

(6) When a retired bus operator is employed as a critical need substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed bus operator who is fully qualified for the position-: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a bus operator position of a regular bus operator on leave of absence; and

(C) This subdivision does not apply when a position is filled with a certified bus operator but the bus operator is not available at the time the bus operator accepts the position.

(7) When a retired bus operator is employed as a critical need substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board-: Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a bus operator position of a regular bus operator on leave of absence; and

(C) This subdivision does not apply when a position is filled with a certified bus operator but the bus operator is not available at the time the bus operator accepts the position.

(8) The provisions of this subsection shall expire on ~~June 30, 2028~~ June 30, 2030.;

And,

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

Eng. Com. Sub. for Senate Bill 282—A Bill to amend and reenact §18A-2-3 and §18A-4-15a of the Code of West Virginia, 1931, as amended, relating to statutory provisions that pertain to allowing a person receiving retirement benefits under the Teachers Retirement System to accept employment as a critical needs substitute teacher or bus operator for an unlimited number of days each fiscal year if certain conditions are satisfied; creating exceptions to posting related requirements applicable when a retired teacher is employed as a critical needs substitute; changing the statutory expiration date; creating exceptions to posting related requirements applicable when a retired bus operator is employed as a critical needs substitute; and changing the statutory expiration date.

Senator Martin moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Martin's aforesated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 282, as amended by the House of Delegates, was then 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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 282) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Bartlett—1.

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. 282) takes effect from passage.

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

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

Eng. Com. Sub. for Senate Bill 522, Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State.

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

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

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

Senate Concurrent Resolution 6, US Army Major Jerome Lee Workman Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 9, Becker Brothers, Eugene and Kermit Becker Memorial Bridge.

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

Senate Concurrent Resolution 16, US Army SPC Johnny Long Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 17, US Marine Corps PVT Arlie Haught Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2129, Creating the Parents Bill of Rights.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the adoption, as amended, of

Com. Sub. for House Concurrent Resolution 8, PFC Lester E. Maynard Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the adoption, as amended, of

Com. Sub. for House Concurrent Resolution 15, US Marines PFC Delbert Carles Roles Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption, as amended, of

Com. Sub. for House Concurrent Resolution 31, U.S. Army Lieutenant Colonel Qewanncoll "Que" Stephens, Sr. Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption, as amended, of

Com. Sub. for House Concurrent Resolution 34, U. S. Merchant Marine Joseph Ward Teter Memorial Bridge.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 300, Budget Bill.

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

Com. Sub. for Senate Bill 300 (originating in the Committee on Finance)—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jason Barrett,
Chair.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2008, Executive Branch Reorganization.

And has amended same.

Eng. House Bill 2009, Relating to the merging and reorganizing of the executive branch.

And has amended same.

Eng. Com. Sub. for House Bill 2067, West Virginia Firearms Liability Clarification Act.

And has amended same.

Eng. Com. Sub. for House Bill 2752, Relating to motorcycle safety.

And has amended same.

Eng. House Bill 3156, Create exemption for Legislature for reporting requirements in Shared Services Section.

And has amended same.

And,

Eng. House Bill 3389, Exclude the Department of Tourism as a Governmental agency.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2008, Eng. H. B. 2009, Eng. Com. Sub. for H. B. 2067, Eng. Com. Sub. for H. B. 2752, Eng. H. B. 3156, and Eng. H. B. 3389) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2013, Transfer of employees to classified exempt service.

And,

Eng. House Bill 3157, Relating to shortened procedure for road condition claims.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2013 and Eng. H. B. 3157) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Military has had under consideration

Eng. Com. Sub. for House Bill 2121, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses.

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 Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Military pending.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 2167, Relating to public charter schools code provisions.

And has amended same.

And,

Eng. Com. Sub. for House Bill 3024, Guaranteed course transfer bill.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for Com. Sub. for H. B. 2167 and Eng. Com. Sub. for H. B. 3024) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2190, Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program".

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2434, Relating to establishing the Stop Squatters Act.

And has amended same.

And,

Eng. House Bill 2867, Relating to Small Estates.

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. 2434 and Eng. H. B. 2867) 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 Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2499, Training course for principals in public schools; informing teachers of their rights and protections; IEP format.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2499) contained in the preceding report from the Committee on Education was 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 2711, Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts.

And,

Eng. Com. Sub. for House Bill 2761, Relating generally to magistrate courts.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Subs. for H. B. 2711 and 2761) 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 Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. House Bill 2773, Higher Ed Rules.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2773) contained in the preceding report from the Committee on Education was 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 Com. Sub. for House Bill 2871, Relating to the crime of negligent homicide.

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 Com. Sub. for H. B. 2871) 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.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2897, Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2897) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Military has had under consideration

Eng. House Bill 3080, Military Spouse hiring preference.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3080) contained in the preceding report from the Committee on Military was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 3277, Relating to defining terms for the West Virginia Hospital Finance Authority Act.

And has amended same.

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

Respectfully submitted,

Laura Wakim Chapman,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3277) contained in the preceding report from the Committee on Health and Human Resources was 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 Oliverio, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 44) adopted.

Thereafter, at the request of Senator Martin, and by unanimous consent, the remarks by Senators Oliverio, Phillips, and Taylor regarding the adoption of Senate Resolution 44 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2157) passed.

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

Eng. Com. Sub. for House Bill 2157—A Bill to amend and reenact §17A-7-2 of the Code of West Virginia, 1931, as amended, relating to one-movement stickers for vehicles; requiring the Commissioner of the Division of Motor Vehicles to make one-movement stickers available for purchase online; deleting obsolete language; doubling time period during which stickers are valid for one-time movement; prohibiting use of one-movement sticker as evidence of ownership of a vehicle; and authorizing commissioner to prescribe form of sticker.

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

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

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

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.

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.

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

The nays were: Grady, Phillips, Tarr, and Woodrum—4.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2172) passed with its title.

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

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

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, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: Garcia and Woelfel—2.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2233) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Bartlett—1.

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 H. B. 2233) takes effect from passage.

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

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2397) passed.

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

Eng. Com. Sub. for House Bill 2397—A Bill to amend and reenact §7-5-4 of the Code of West Virginia, 1931, as amended, relating to modifying the process for designating signatories for certain expenditures from the county treasury by a county sheriff.

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

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2678) passed.

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

Eng. House Bill 2678—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to speed restrictions; clarifying that school zones include private schools and public charter schools; incorporating technical corrections and updates; and clarifying that a certified abstract of a judgment for conviction of an offense of driving above the speed limit on a controlled access highway or interstate highway at 10 miles per hour or less above the speed limit may not be recorded by the Division of Motor Vehicles.

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2709) passed.

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

Eng. House Bill 2709—A Bill to amend and reenact §3-1-41, §3-2-31, and §3-3-3 of the Code of West Virginia, 1931, as amended, relating to permitting a voter with a change of address within the same county to vote in his or her new precinct under certain circumstances without having to cast a provisional ballot.

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

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

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, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Maynard, Morris, Oliverio, Phillips, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Martin and Queen—2.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3313) passed with its title.

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

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3347) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Bartlett—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3347) takes effect from passage.

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

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

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

Senator Garcia 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 receives compensation as a court-appointed attorney.

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3363) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Bartlett—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3363) takes effect from passage.

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

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

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

The nays were: None.

Absent: Bartlett—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3368) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Bartlett—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3368) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

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

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

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

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

ARTICLE 8D. CHILD ABUSE.

§61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury; criminal penalties.

(a) If ~~any~~ a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~shall abuse~~ abuses a child and by the abuse ~~cause~~ causes the child bodily injury as the term is defined in §61-8B-1 of this code, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to ~~a~~ the child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ ed ~~not less than \$100 nor more than \$1,000 and imprisoned in a state correctional facility for not less than one two nor more than five 10~~ years, or in the discretion of the court, be confined in jail for not more than one year.

(b) If ~~any~~ a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~shall abuse~~ abuses a child and by the abuse ~~cause~~ causes the child serious bodily injury as the term is defined in §61-8B-1 of this code, then ~~such~~ the parent, guardian, ~~or~~ custodian, or person in position of trust ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ ed ~~not less than \$1,000 nor more than \$5,000 and committed to the custody of the Division of Corrections imprisoned in a state correctional facility~~ not less than ~~two~~ five nor more than ~~40~~ 15 years.

(c) ~~Any~~ A parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child who abuses a child and by the abuse creates a substantial risk of death or serious bodily injury to the child, as serious bodily injury is defined in §61-8B-1 of this code, ~~to the child~~ is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ ed ~~not more than \$3,000 or imprisoned in a state correctional facility for not less than one nor more than five 10~~ years.

(d)(1) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~who has not previously been convicted under this section, §61-8D-4 of this code, or a law of another state or the federal government with the same essential elements~~ abuses a child and by the abuse creates a substantial risk of bodily injury, as bodily injury is defined in §61-8B-1 of this code, to the child, then the parent, guardian, custodian, or person in position of trust is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both.

(2) ~~For a second offense under this subsection or for a person with one prior conviction under this section, section four of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,500 and confined in jail not less than thirty days nor more than one year, or both~~

(3)(2) ~~For a third or subsequent offense under this subsection or for a person with two or more prior convictions under section~~ If a parent, guardian, custodian, or person in a position of trust to a child violates this subsection and has previously been convicted of violating this subsection, §61-8D-4(d) of this code, or a law of another state or the federal government with the same essential elements, then the parent, guardian, or custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be fin ~~ed not more than~~

~~\$3,000 and~~ imprisoned in a state correctional facility not less than one year nor more than ~~three~~ five years. ~~or both.~~

(e) Any person convicted of a second or subsequent felony offense under this section, who was previously convicted of a felony offense under this section, §61-8D-4, or a law of another state or the federal government with the same essential elements of a felony offense contained within either section, may be imprisoned for a term up to twice the term otherwise authorized.

~~(e)~~(f) Any person convicted of a misdemeanor offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Human Services through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) ~~Shall~~ May not be required to register pursuant to §15-13-1 *et seq.* of this code; and

(3) ~~Shall~~ May not, solely by virtue of the conviction, have ~~their~~ his or her custody, visitation or parental rights automatically restricted.

~~(f)~~(g) ~~Nothing in~~ This section ~~shall~~ does not preclude a parent, guardian, or custodian from providing reasonable discipline to a child.

§61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury; criminal penalties.

(a) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child neglects a child and by ~~the~~ such neglect causes the child bodily injury, as bodily injury is defined in §61-8B-1 of this code, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~one~~ two years nor more than ~~three~~ 10 years, or in the discretion of the court, be confined in jail for not more than one year. ~~or both.~~

(b) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child neglects a child and by such neglect causes the child serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ed not less than \$300 nor more than \$3,000 or imprisoned in a state correctional facility for not less than ~~one~~ five years nor more than ~~40~~ 15 years. ~~or both.~~

(c) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~grossly~~ neglects a child and by that ~~gross~~ neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, of the child then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ed not less than \$1,000 nor more than \$3,000 ~~dollars~~ or imprisoned in a state correctional facility for not less than one nor more than ~~five~~ 10 years. ~~or both.~~

~~(d)~~(1) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~who has not been previously convicted under this section, §61-8D-3 of this code, or a law of another state or the federal government with the same essential elements~~ neglects a child and

by that neglect creates a substantial risk of bodily injury, as defined in §61-8B-1 of this code, to the child, then the parent, guardian, or custodian, or person in a position of trust in relation to a child is guilty of a misdemeanor and, upon conviction thereof, for a first offense, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both fined and confined.

~~(2) For a second offense under this subsection or for a person with one prior conviction under this section, section three of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 and confined in jail not less than thirty days nor more than one year, or both~~

~~(3)(2) For a third or subsequent offense under this subsection or for a person with two or more prior convictions under section~~ If a parent, guardian, custodian, or person in a position of trust to a child violates this subsection and has previously been convicted of violating this subsection, §61-8D-3(d) of this code, or a law of another state or the federal government with the same essential elements, the parent, guardian, or custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 and imprisoned in a state correctional facility not less than one year nor more than three five years. ~~or both fined and imprisoned.~~

(e) Any person convicted of a felony offense under this section, who was previously convicted of a felony offense this section, §61-8D-3, or a law of another state or the federal government with the same essential elements of a felony offense contained within either section, may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both fined and imprisoned.

~~(e)(f)~~ The provisions of this section shall may not apply if the neglect by the parent, guardian, or custodian, or person in a position of trust in relation to a child is due primarily to a lack of financial means on the part of the parent, guardian, or custodian, or person in a position of trust in relation to a the child.

~~(f)(g)~~ Any person convicted of a misdemeanor offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Human Services through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) ~~Shall~~ May not be required to register pursuant to the requirements of §15-13-1 *et seq.* of this code; and

(3) ~~Shall~~ May not, solely by virtue of the conviction, have his or her custody, visitation, or parental rights automatically restricted.

The bill (Eng. Com. Sub. for H. B. 2123), as amended, was then ordered to third reading.

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

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

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

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

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-31. Conspiracy; construction of section; penalties.

(a) It ~~shall be~~ is unlawful for two or more persons to conspire: (1) to commit any offense against the state, or (2) to defraud the state, the state or any county board of education, or any county or municipality of the state, if, in either case, one or more of such persons does any act to effect the object of the conspiracy.

(b) Nothing in this section ~~shall~~ may be construed to supersede, limit, repeal, or affect the provisions of §3-9-8; §5-1-2; ~~§5A-3-38; §5A-3-31; §9-7-5; §15-1E-81; §20-7-7; §60-6-16, §60A-4-414; §61-6-7, §61-6-8, §61-6-9, and §61-6-10; §61-10-34; or §62-8-1;~~ all of this code. It ~~shall not be~~ is not a defense to any prosecution under this section ~~thirty-one~~ that the conduct charged or proven is also a crime under any other provision or provisions of this code or the common law.

(c)(1) Any person who violates the provisions of this section by conspiring to commit an offense against the state which is a felony, or by conspiring to defraud the state, the state or any county board of education, or any county or municipality of the state, ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in ~~the penitentiary~~ a state correctional facility for not less than one nor more than five years or by a fine of not more than \$10,000, or ~~in the discretion of the court by both such~~ imprisonment and fine.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who violates the provisions of this section by conspiring to commit an offense against the state which is a felony crime of violence against the person or a felony offense where the victim was a minor child, as those terms are defined in §62-12-13 of this code, is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in a state correctional facility for not less than three years nor more than 15 years.

(3) Notwithstanding the provisions of subdivisions (1) or (2) of this subsection, any person who violates the provisions of this section by conspiring to commit an offense in violation of §61-2-14a, §61-3-1, or §61-8B-3 of this code, or an offense against the state which is punishable by life imprisonment is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in a state correctional facility for not less than five years nor more than 25 years.

(d) Any person who violates the provisions of this section by conspiring to commit an offense against the state which is a misdemeanor ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in ~~the county jail~~ for not more than one year or by a fine of not more than \$1,000, or ~~in the discretion of the court, by both such~~ confinement and fine.

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2217), as amended, was then ordered to third reading.

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

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

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

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

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-27. Definition of law-enforcement officer.

For purposes of §61-2-10b, §61-5-17, and §61-5-17a, "law-enforcement officer" has the same definition as this term is defined in §30-29-1 and shall additionally include individuals defined as "chief executive", "law-enforcement official", and "pre-certified law-enforcement officer" in §30-29-1, and any person hired, elected, appointed, or otherwise authorized by this code to engage in or supervise the prevention, detection, or investigation of the criminal laws of this state.

The bill (Eng. H. B. 2360), as amended, was then ordered to third reading.

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

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

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

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

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-10. Water Quality Management Fund established; permit application fees; annual permit fees; dedication of proceeds; rules.

(a) The special revenue fund designated the Water Quality Management Fund established in the State Treasury on July 1, 1989, is ~~hereby~~ continued.

(b) The following shall be deposited into the Water Quality Management Fund: (i) permit application fees and annual permit fees established and collected pursuant to this section; (ii) any interest or surcharge assessed and collected by the secretary; (iii) interest accruing on investments and deposits of the fund; and (iv) any other moneys designated by the secretary. ~~shall be deposited into the Water Quality Management Fund~~ The secretary shall expend the proceeds of the Water Quality Management Fund for the review of initial permit applications, renewal permit applications, and permit issuance activities.

(c) The secretary shall propose ~~for promulgation, legislative rules~~ for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code, to establish a schedule of application fees for all applications except for surface coal mining operations as defined in §22-3-13 of this code. The applicant shall submit the appropriate fee ~~shall be submitted by the applicant~~ to the department with the application filed pursuant to this article for any state water

pollution control permit or national pollutant discharge elimination system permit. The schedule of application fees shall be designed to establish reasonable categories of permit application fees based upon the complexity of the permit application review process required by the department pursuant to the provisions of this article and the rules promulgated under this article. ~~Provided, That no initial application fee may exceed \$15,000 for any facility nor may any permit renewal application fee exceed \$5,000.~~ The department may not process any permit application pursuant to this article until the required permit application fee has been received.

(d) The secretary shall propose ~~for promulgation legislative~~ rules for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code to establish a schedule of permit fees to be assessed annually upon each person holding a state water pollution control permit or national pollutant discharge elimination system permit issued pursuant to this article except for permits held by surface coal mining operations as defined in §22-3-1 *et seq.* of this code. Each person holding a permit shall pay the prescribed annual permit fee to the department. ~~pursuant to the rules promulgated under this section. Provided, That no~~ Any person holding a permit for a home aerator of 600 gallons and under ~~shall be~~ is not required to pay an annual permit fee. The schedule of annual permit fees shall be designed to establish reasonable categories of annual permit fees based upon the relative potential of categories or permits to degrade the waters of the state. ~~Provided, however, That no annual permit fee may exceed \$5,000~~ The secretary may declare any permit issued pursuant to this article void when the annual permit fee is more than 90 days past due. ~~pursuant to the rules promulgated under this section~~ Voiding of the permit will only become effective upon the date the secretary mails, by certified mail, written notice to the permittee's last known address notifying the permittee that the permit has been voided.

(e) The secretary shall file a quarterly report with the Joint Committee on Government and Finance setting forth the fees established and collected pursuant to this section.

(f) On July 1, 2022, and each year thereafter a \$1,000 fee shall be assessed for permit applications and a \$3,000 fee shall be assessed for permit renewals ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Annually on July 1, 2022, and each year thereafter a \$2,000 fee shall be assessed for any application for major permit modifications and a \$1,000 fee for minor permit modifications ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. On July 1, 2022, and each year thereafter a \$3,000 fee shall be assessed for any application for permit reissuance and a \$2,000 fee for permit transfer ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and every year thereafter, an annual permit fee of \$2,000 shall be assessed on the issuance anniversary dates of all permits issued pursuant to this article for surface coal mining operations as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and each year thereafter, an application for a water quality certification for activities covered by United States Army Corps of Engineers permits issued pursuant to 33 U.S.C. § 1344 and 33 C.F.R. Parts 323 or 330, in accordance with the legislative rules entitled Rules for Individual State Certification of Activities Requiring a Federal Permit, 47 C.F.R. 5A, must be accompanied by a \$500 fee. For all other categories of permitting actions pursuant to this article related to surface coal mining operations, the secretary shall propose ~~for promulgation legislative~~ rules for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code to establish a schedule of permitting fees.

The bill (Eng. H. B. 3030), as amended, was then ordered to third reading.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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.

Eng. Com. Sub. for House Bill 2964, Amending residency requirements for regional airport boards.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips and Rose.

At the request of Senator Rose, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the fifteenth anniversary on Saturday, April 5, 2025, of the Upper Big Branch mining disaster that killed 29 miners and injured two.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was added as a co-sponsor to the following resolution on April 3, 2025:

Senate Resolution 45: Senator Chapman.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:23 p.m., the Senate adjourned until Monday, April 7, 2025, at 11 a.m.

SENATE CALENDAR

**Monday, April 07, 2025
11:00 AM**

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

THIRD READING

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

Eng. Com. Sub. for Com. Sub. for H. B. 2217 - Relating to penalties for conspiracy to commit murder

Eng. H. B. 2360 - Clarifying the victims of crimes against law-enforcement officers.

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

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

SECOND READING

Eng. Com. Sub. for H. B. 2008 - Executive Branch Reorganization - (Com. amend. pending)

Eng. H. B. 2009 - Relating to the merging and reorganizing of the executive branch - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2013 - Transfer of employees to classified exempt service

Eng. Com. Sub. for H. B. 2067 - West Virginia Firearms Liability Clarification Act - (Com. amend. pending)

Eng. Com. Sub. for Com. Sub. for H. B. 2167 - Relating to public charter schools code provisions - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2434 - Relating to establishing the Stop Squatters Act - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2499 - Training course for principals in public schools; informing teachers of their rights and protections; IEP format - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2711 - Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts

Eng. Com. Sub. for H. B. 2752 - Relating to motorcycle safety - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2761 - Relating generally to magistrate courts (original similar to SB742)

Eng. H. B. 2773 - Higher Ed Rules

Eng. H. B. 2867 - Relating to Small Estates - (Com. amend. pending)

Eng. Com. Sub. for Com. Sub. for H. B. 2871 - Relating to the crime of negligent homicide - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2897 - Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education

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

Eng. Com. Sub. for H. B. 3024 - Guaranteed course transfer bill - (Com. amend. pending)

Eng. H. B. 3080 - Military Spouse hiring preference - (Com. amend. and title amend. pending)

Eng. H. B. 3156 - Create exemption for Legislature for reporting requirements in Shared Services Section - (Com. amend. pending)

Eng. H. B. 3157 - Relating to shortened procedure for road condition claims

Eng. H. B. 3277 - Relating to defining terms for the West Virginia Hospital Finance Authority Act - (Com. amend. pending)

Eng. H. B. 3389 - Exclude the Department of Tourism as a Governmental agency - (Com. amend. pending)

FIRST READING

Com. Sub. for S. B. 300 - Budget Bill

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2025

Monday, April 7, 2025

9:30 a.m.	Education	(Room 451M)
9:30 a.m.	Government Organization	(Room 208W)