

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
FIRST EXTRAORDINARY SESSION, 2024
SECOND DAY

Charleston, West Virginia, Monday, May 20, 2024

The Senate met at 1:16 p.m.

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

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

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

Pending the reading of the Journal of Sunday, May 19, 2024,

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

The Senate proceeded to the third order of business.

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:



Jim Justice
Governor of West Virginia

May 20, 2024

SENATE EXECUTIVE MESSAGE NO. 1
 2024 1st SPECIAL SESSION

The Honorable Craig Blair
 President, West Virginia Senate
 Building 1, Room M-229
 1900 Kanawha Boulevard, East
 Charleston, West Virginia 25305

Dear President Blair:

The following amends and replaces the "FY 2024 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted as revised to you on June 30, 2023 for the fiscal year ending June 30, 2024:

General Revenue Fund
 Statement of Revenues by Source
 (Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2024 Official Estimate</u>
Business and Occupation Tax	\$ 110,000
Consumers Sales and Use Tax	1,779,700
Personal Income Tax	2,054,000
Liquor Profit Transfers	26,500
Beer Tax and Licenses	7,000
Tobacco Products Tax (Cigarette & Other)	157,400
Business Franchise Fees	750
Property Transfer Tax	10,000
Property Tax	8,000
Insurance Tax	117,000
Departmental Collections	25,114

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The Honorable Craig Blair
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Corporate Income/Business Franchise Tax	300,000
Miscellaneous Transfers	2,000
Interest Income	89,511
Severance Tax	343,000
Miscellaneous Receipts	2,000
HB102 - Lottery Transfers	65,000
Soft Drink Excise Tax	12,900
Liquor License Renewal	736
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total	<u>\$ 5,120,611</u>

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on January 10, 2024 for the fiscal year ending June 30, 2024:

General Revenue Fund
 Statement of Revenues, Expenditures, and Changes in Cash Balance
 (Nearest Dollar)

Actual Beginning Cash Balance July 1, 2023	\$2,884,813,151
Less: 31 Day Disbursements (July 1, 2023 - July 30, 2023)	(55,323,715)
Plus: Prior Year Reimbursements (July 1, 2023 - July 30, 2023)	218,002
Less: Prior Year Appropriations Forwarded	(797,995,917)
Less: Cash Balance - Adjustments and Accruals	<u>(443,404)</u>
Accumulated Surplus from FY 2023 @ July 31, 2023	\$2,031,268,117
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(231,584,775)
Less: FY 2024 Surplus Appropriations (FY 2023 Surplus) (House Bill 2024) 2023 Regular Session	(1,165,478,000)
Less: FY 2024 Various Surplus Supplemental Appropriations (2023 1st Extraordinary Session)	(522,836,398)
Plus: Prior Year Reimbursements (August 1, 2023 - April 30, 2024)	796,037
Plus: Prior Year Adjustments	56,952
Plus: FY 2024 Supplemental Appropriation - (SB 657) (2024 Regular Session) Expiration of State Excess Lottery Funds to the General Revenue Surplus Balance	71,000,000
Plus: FY 2024 Supplemental Appropriation - (SB 651) (2024 Regular Session) Expiration of State Lottery Funds to the General Revenue Surplus Balance	35,000,000
Less: FY 2024 Various Surplus Supplemental Appropriations (2024 Regular Session)	(217,600,000)
Plus: Recommended FY 2024 Surplus Supplemental Appropriation Expiring PEIA Rainy Day	

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The Honorable Craig Blair
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	Balance to the GR Unappropriated Surplus Balance	83,215,351
Less:	Recommended FY 2024 Surplus Supplemental Appropriation (2024 1Ex) (Higher Education) (Various Projects)	<u>(83,215,351)</u>
	Estimated Unappropriated Surplus Balance from FY 2024 Activity @ June 30, 2024	\$621,934
Plus:	FY 2024 Revenue Estimate (as revised 05/19/2024)	\$5,120,610,673
Less:	FY 2024 Appropriations (FY 2024 Budget Bill) (HB 2024) (2023 Regular Session)	(4,874,572,614)
Plus:	FY 2024 Various Supplemental Appropriations (2023 1st Extraordinary Session) (Net Effect)	36,715,795
Less:	FY 2024 Various Supplemental Appropriations (2024 Regular Session)	(40,022,304)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Highways)	(150,000,000)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Governor's Civil Contingent Fund - Agriculture Lab)	(50,000,000)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Department of Education) (HOPE Scholarship)	(27,321,613)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Governor's Office) (Posey Perry Emergency Food Bank)	(10,000,000)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Education) (Increased Enrollment)	(3,289,060)
Less:	Recommended FY 2024 Supplemental Appropriation (2024 1Ex Session) (Veteran's Affairs) (Contract Nursing Reimbursement)	<u>(2,000,000)</u>
	Estimated Unappropriated Balance from FY 2024 Activity @ June 30, 2024	\$120,877
Plus:	FY 2025 Revenue Estimate	\$5,264,536,000
Less:	FY 2025 Appropriations (FY 2025 Budget Bill) (2024 Regular Session)	(4,996,222,036)
Less:	Recommended FY 2025 Supplemental Appropriation (2024 1Ex) (Department of Human Services) (Restoration of Budget Reduction)	(183,437,463)
Less:	Recommended FY 2025 Supplemental Appropriation (2024 1Ex) (Department of Health) (Restoration of Budget Reduction)	(5,013,844)

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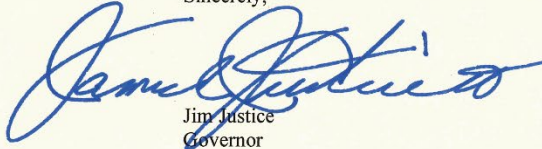
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Plus: Recommended FY 2025 Supplemental Appropriation (2024 1Ex) (Department of Education) (School Aid Formula PSSP)	<u>280,711</u>
Estimated Unappropriated Balance @ June 30, 2025	<u>\$80,143,368</u> \$80,886,179

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice", is written over the printed name and title.

Jim Justice
Governor

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendments to the Budget Bill, which were referred to the Committee on Finance.

Senator Blair (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:



Jim Justice
Governor of West Virginia

May 20, 2024

Senate Executive Message No. 2
First Extraordinary Session 2024

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Secretary, Department of Arts, Culture and History, Randall Reid-Smith, Barboursville, Cabell County, to serve at the will and pleasure of the Governor.
2. For Member, Economic Development Authority, Jonathan Eric Hall, Lewisburg, Greenbrier County, for the term ending June 30, 2027.
3. For Member, Mountwest Community and Technical College Board of Governors, Justin Jarrell, Point Pleasant, Mason County, for the term ending June 30, 2026.
4. For Member, Family Protection Services Board, Julie Britton, South Charleston, Kanawha County, for the term ending June 30, 2025.
5. For Member, West Virginia Board of Osteopathic Medicine, Andy R. Tanner, Charleston, Kanawha County, for the term ending June 30, 2028.
6. For Member, West Virginia Board of Osteopathic Medicine, Connie Dale Cook, Oceana, Wyoming County, for the term ending June 30, 2028.
7. For Member, West Liberty University Board of Governors, Katie Kacmarik, Wheeling, Ohio County, for the term ending June 30, 2024.
8. For Member, West Liberty University Board of Governors, The Honorable Erikka L. Storch, Wheeling, Ohio County, for the term ending June 30, 2024.

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9. For Member, Board of Examiners of Psychologists, Jill Scarbro, Winfield, Putnam County, for the term ending June 30, 2026.
10. For Member, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, Mohammad Kassir, Morgantown, Monongalia County, for the term ending June 30, 2026.
11. For Member, West Virginia College and Jumpstart Savings Program Board of Trustees, Cleta Mae Harless, Charleston, Kanawha County, for the term ending June 30, 2025.
12. For Member, Flatwater Trail Commission, Joseph Lilly, Fayetteville, Fayette County, for the term ending December 31, 2028.
13. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Ryan H. Fitzwater, Charleston, Kanawha County, for the term ending June 30, 2027.
14. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Christine Firkins, Charleston, Kanawha County, for the term ending June 30, 2025.
15. For Inspector General, Office of the Inspector General within the Department of Health, Ann Urling, Charleston, Kanawha County, for the term ending June 30, 2029.
16. For Secretary, Department of Revenue, The Honorable Larry Pack, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,



Jim Justice
Governor

JCJ: mrp

cc: Clerk of the Senate
Assistant Clerk of the Senate
Senate Confirmations Chair

Which communication was received.

At the request of Senator Boley, and by unanimous consent, the nominations hereinbefore reported were taken up for immediate consideration.

Thereupon, Senator Blair (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 2, dated May 20, 2024 (*shown in the Senate Journal of today, immediately hereinbefore reported*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in Senate Executive Message 2.

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in Senate Executive Message 2 had been confirmed.

Consideration of executive nominations having been concluded,

At the request of Senator Takubo, and by unanimous consent, at 1:20 p.m., the Senate recessed until 1:45 p.m. today.

The Senate reconvened at 2:36 p.m. and, at the request of Senator Takubo, unanimous consent being granted, proceeded to the ninth order of business.

Senate Bill 1007, Supplementing and amending appropriations to Higher Education Policy Commission, Control Account.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

Engrossed Senate Bill 1007 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1007) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1007) takes effect from passage.

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

Senate Bill 1008, Supplementing and amending appropriations to Department of Veterans' Assistance.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips,

Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

Engrossed Senate Bill 1008 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1008) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1008) takes effect from passage.

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

Senate Bill 1009, Supplementing and amending appropriations to BOE, State Aid to Schools.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

Engrossed Senate Bill 1009 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1009) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1009) takes effect from passage.

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

Senate Bill 1010, Making supplementary appropriation to Department of Administration, Office of Technology reorganization.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

Engrossed Senate Bill 1010 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1010) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1010) takes effect from passage.

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

Senate Bill 1011, Expiring funds from Department of Revenue, PEIA Rainy Day Fund.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

Engrossed Senate Bill 1011 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1011) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1011) takes effect from passage.

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

Senate Bill 1012, Expiring funds to Department of Arts, Culture, and History from Lottery Education Fund.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

Engrossed Senate Bill 1012 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen,

Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1012) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1012) takes effect from passage.

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

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

House Concurrent Resolution 101—Commemorating the life of Robert Gene "Bob" Ashley, committed husband, father, grandfather, and lifetime public servant.

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

(Senator Weld in the Chair.)

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

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

The roll being taken, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Barrett, Caputo, and Maroney—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (H. C. R. 101) adopted.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Trump and Blair (Mr. President) regarding the adoption of House Concurrent Resolution 101 were ordered extended in the Journal as follows:

SENATOR TRUMP: Thank you, Mr. President.

It is an honor and a privilege to be able to rise and speak in support of this resolution . . . although a moment of great sadness to me . . . and all of us I'm sure.

The news about Bob that came this week, just came like a shot to the solar plexus. I had—I don't think anyone did—had any idea that that was . . . his passing was imminent. Most everyone here in the room I'm sure knew Bob.

He was a remarkable person.

And, you know, to me, I can't think of Spencer or Roane County without thinking about Bob. Everyone here should understand how important he was to the people of Roane County.

The weeks fly away from us, and the years . . . It was 31 years ago when I first met Bob as a newly arrived member of the House of Delegates. Bob was a seasoned veteran at that point and he was a mentor to me. He taught me how to act as a legislator. Taught me so many things.

And just delightful to be around all the time. A person filled with great humor, a great love for the State of West Virginia. And, as I said, a political icon, not just for Roane County but for the entire State of West Virginia.

And as I stand here now, I can't . . . I can't believe . . . I can't get my mind around that he's gone.

He loved this state and his district deeply. Served with great distinction as Minority Leader in the House of Delegates, later, as a senator in this body.

I'm thinking back on times together. His father had been a member of the House of Delegates and while his father was living, his father used to come occasionally to the floor of the House and receive a big round of applause and welcome from the House. And it seems in many ways just . . . just yesterday. Just yesterday.

I'm going to miss him terribly. He was . . . the resolution said devoted husband and father. There's no question about that, Mr. President. He loved Anita and talked about her all the time. And his boys, Ben and Sam, the same. He was so proud of his whole family and what his spouse, what his wife and his sons accomplished.

I'm going to miss . . . going to miss Bob terribly.

Thank you, Mr. President.

MR. PRESIDENT: Thank you, Mr. President.

I've got some stories I want to tell.

And it's tragic that we've lost—I was going to say this at the end but I'm going to say it at the beginning . . . now—a gentle giant. He was. Bob was tall and larger than life.

I never knew him at all until I was first elected to the House of Delegates in 2002. And Charles Trump knew, excuse me, Senator from Morgan knew that I was a little bit of a wild card and he had to put me next to somebody that I could learn from. And that I did. I was blessed by your decision to put me next to Bob Ashley. And we sat there together and he taught me the ins and outs on how to behave, how to respond. I didn't always listen, but he was always right.

He knew how to be a statesman. He knew how to be an effective legislator. He knew how to be a good husband and father. I watched these things and learned. And you don't forget when you find mentors like, at that point in time, Delegate Ashley, and then Senator Ashley. I was blessed.

Now, I've got a story that I'm dying to tell because I got seated next to him. And we were sitting there and I barely knew Bob, I barely knew anybody, and up front in the House of Delegates . . . that's where the press sat, up on the front row. And I was sitting there, I said, "Bob, who's this one guy sitting up there?" I said, "He looks like a Porterfield." He goes, "Well, that's Mannix Porterfield from the *Beckley Register* in Raleigh County." I go, "You got to be kidding me." I said, "He looks like a Porterfield." And Bob goes, "Well, why you say that?" And I said, "Well, my mom is a Porterfield." And I said, "I can't wait to get up and go over and talk to this guy and talk to" Little did I know that I was going to meet what I believe is . . . been one of the most fantastic, the best reporter that I've seen in my legislative experience, Mannix Porterfield. And Bob walked me up there to talk to him because I was a little nervous on what was going on.

But he knew how to manage people and how to make people feel like they were part of a team, of a group that worked together.

You guys were blessed and you carry it on. You will carry it on in your families because that's what we do.

The passing is a tragedy. But the life of accomplishments are not. It's what we build upon.

Thank you for sharing your family with our family, and I'm speaking of the people of West Virginia and those that we represent.

I can't say anymore except for I should have stopped at thank you. And Bob knew how I felt about him.

Wonderful man.

Thank you.

Thank you, Mr. President.

On motion of Senator Takubo, at 3:17 p.m., the Senate recessed until 5:30 p.m. today.

The Senate reconvened at 5:55 p.m.

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

Eng. Senate Bill 1002, Supplementing and amending appropriations to DOT, Division of Highways.

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

Eng. Senate Bill 1003, Supplementing and amending appropriations to Governor's Office, Civil Contingent Fund.

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

Eng. Senate Bill 1004, Supplementing and amending appropriations to Governor's Office, Posey Perry Emergency Food Bank Fund.

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

Eng. Senate Bill 1005, Supplementing and amending appropriations to Department of Education, BOE.

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

Eng. Senate Bill 1006, Making supplementary appropriation to Bureau for Medical Services, Policy and Programming, and to BOE.

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

Eng. Senate Bill 1014, Clarifying procedure for political party nomination of presidential electors.

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

Eng. Senate Bill 1015, Amending amount of surplus deposited into Revenue Shortfall Reserve Fund.

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

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, section twenty, beginning on line twenty-three, following the words "equal to", by striking out the words "or greater than".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 1015, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woodrum, and Blair (Mr. President)—27.

The nays were: None.

Absent: Barrett, Caputo, Maroney, Nelson, Phillips, Weld, and Woelfel—7.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1015) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woodrum, and Blair (Mr. President)—27.

The nays were: None.

Absent: Barrett, Caputo, Maroney, Nelson, Phillips, Weld, and Woelfel—7.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1015) takes effect from passage.

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

On motion of Senator Takubo, at 6 p.m., the Senate recessed until 6:30 p.m. today.

The Senate reconvened at 7:32 p.m.

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

Eng. Senate Bill 1001, Supplementing and amending appropriations to Department of Health and Department of Human Services.

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

The following House of Delegates amendment to the bill was reported by the Clerk:

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

That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0407, fiscal year 2025, organization 0506, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

57 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

Personal Services and Employee Benefits.....	00100	\$	3,362,243
Salary and Benefits of Cabinet Secretary			
and Agency Heads	00201		358,400
Unclassified	09900		6,459
Current Expenses	13000		225,201
Capital Outlay and Maintenance (R)	75500		70,000
BRIM Premium.....	91300		169,791
Department of Health Reserve	XXXXX		<u>5,013,844</u>
Total		\$	9,205,938

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any unexpended balances remaining in the appropriation Chief Medical Examiner (fund 0407, appropriation 04500) at the close of fiscal year 2024 shall be transferred to Chief Medical Examiner appropriation (fund 0432, appropriation 04500).

Any unexpended balances remaining in the appropriation Safe Drinking Water Program (fund 0407, appropriation 18700) at the close of fiscal year 2024 shall be transferred to Environmental Health Services appropriation (fund 0417, appropriation 30002).

Any unexpected balances remaining in the appropriation Statewide EMS Program Support (fund 0407, appropriation 38300) at the close of fiscal year 2024 shall be transferred to Statewide EMS Program Support appropriation (fund 0434, appropriation 38300).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis (fund 0407, appropriation 42001) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis appropriation (fund 0427, appropriation 42001).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis – Surplus (fund 0407, appropriation 42099) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis – Surplus appropriation (fund 0427, appropriation 42099).

Any unexpended balances remaining in the appropriation Vaccine for Children (fund 0407, appropriation 55100) at the close of fiscal year 2024 shall be transferred to Vaccine for Children appropriation (fund 0418, appropriation 55100).

Any unexpended balances remaining in the appropriation Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) at the close of fiscal year 2024 shall be transferred to the Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees appropriation (fund 0405, appropriation 57500).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy (fund 0407, appropriation 35401) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy (fund 0403, appropriation 35401).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402).

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Health shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of Health shall have the authority to make transfers from the Department of Health Reserve (fund 0407, appropriation XXXXX) appropriation to any general revenue funds under the department. The Secretary shall submit a monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Health Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Health Reserve appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

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

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

78 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund 0437 FY 2025 Org 051

Personal Services and Employee Benefits.....	00100	\$	5,583,690
Unclassified	09900		57,469
Current Expenses	13000		1,583,603
Total		\$	7,224,762

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

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, to fund 0525, fiscal year 2025, organization 0506, be supplemented and amended to add a new item of appropriation:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

79A - Consolidated Medical Services Fund

(W.V. Code Chapter 16)

Fund 0525 FY 2025 Org 0506

Any unexpended balances remaining in the appropriations for Behavioral Health Program – Surplus (fund 0525, appropriation 63100) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0403, fiscal year 2025, organization 0511, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.**Section 1. Appropriations from general revenue.****DEPARTMENT OF HUMAN SERVICES***80 - Division of Human Services*

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2025 Org 0511

Personal Services and Employee Benefits.....	00100	\$ 32,554,845
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	159,250
Unclassified	09900	5,120,050
Current Expenses	13000	5,557,409
Child Care Development.....	14400	3,138,536
Jobs & Hope	14902	2,357,000
Social Services	19500	46,136
Behavioral Health Program (R)	21900	66,864,419
Family Resource Networks	27400	1,762,464
Substance Abuse Continuum of Care (R)	35400	1,656,000
Office of Drug Control Policy (R)	35401	567,875
James "Tiger" Morton Catastrophic Illness Fund.....	45500	373,424
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	1,381,500
Child Support Enforcement.....	70500	6,227,186
Temporary Assistance for Needy Families/		
Maintenance of Effort	70700	23,237,186
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Capital Outlay and Maintenance (R)	75500	11,875

Medical Services Administrative Costs.....	78900	58,017
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs	85601	633,107
CHIP Services.....	85602	12,122,368
BRIM Premium.....	91300	945,891
Children's Trust Fund – Transfer	95100	220,000
Department of Human Services Reserve	XXXXX	<u>183,437,463</u>
Total.....		\$ 356,675,744

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100), and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Human Services shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Human Services shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *And provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of Human Services shall have the authority to make transfers from the Department of Human Services Reserve (fund 0403, appropriation XXXXX) appropriation to any general revenue funds under the department: *And provided, further, notwithstanding the above*, that included in the appropriation for the Department of Human Services Reserve (fund 0403, appropriation XXXXX) is \$10,273,228 that shall be utilized to increase provider rates for Title XIX for senior citizens; \$10,709,858 that shall be utilized to increase provider rates for I/DD waiver; \$6,568,768 that shall be utilized to increase provider rates for personal care services; and \$135,000 that shall be utilized to increase provider rates for TBI waiver: *And provided, further, notwithstanding the above*, That no funds may be transferred from Fund 0485, FY2025 Org0511 Bureau for Medical Services - Home and Community Based Waiver Programs to any other appropriation. The Secretary shall submit monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Human Services Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Human Services appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

The Secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the W.V. Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800) shall be transferred to the WV Works Separate State College Program Fund (fund 5467) and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the Secretary of the Department of Human Services.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500), an amount not to exceed \$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

Included in the appropriation for Behavioral Health Program (fund 0403, appropriation 21900), is \$100,000 for Recovery Point of Huntington.

The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children's Trust Fund (fund 5469).

From the above appropriation for Substance Abuse Continuum of Care (fund 0403, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

On motion of Senator Tarr, the following amendment to the House of Delegates amendment to the bill (Eng. S. B. 1001) was reported by the Clerk and adopted:

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

That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0407, fiscal year 2025, organization 0506, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

58 - Department of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

	General
Appro-	Revenue

		priation	Fund
Personal Services and Employee Benefits.....	00100	\$	3,362,243
Salary and Benefits of Cabinet Secretary			
and Agency Heads	00201		358,400
Unclassified	09900		6,459
Current Expenses	13000		225,201
Capital Outlay and Maintenance (R)	75500		70,000
BRIM Premium.....	91300		169,791
Department of Health Reserve	XXXXX		<u>5,013,844</u>
Total		\$	9,205,938

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any unexpended balances remaining in the appropriation Chief Medical Examiner (fund 0407, appropriation 04500) at the close of fiscal year 2024 shall be transferred to Chief Medical Examiner appropriation (fund 0432, appropriation 04500).

Any unexpended balances remaining in the appropriation Safe Drinking Water Program (fund 0407, appropriation 18700) at the close of fiscal year 2024 shall be transferred to Environmental Health Services appropriation (fund 0417, appropriation 30002).

Any unexpected balances remaining in the appropriation Statewide EMS Program Support (fund 0407, appropriation 38300) at the close of fiscal year 2024 shall be transferred to Statewide EMS Program Support appropriation (fund 0434, appropriation 38300).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis (fund 0407, appropriation 42001) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis appropriation (fund 0427, appropriation 42001).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis – Surplus (fund 0407, appropriation 42099) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis – Surplus appropriation (fund 0427, appropriation 42099).

Any unexpended balances remaining in the appropriation Vaccine for Children (fund 0407, appropriation 55100) at the close of fiscal year 2024 shall be transferred to Vaccine for Children appropriation (fund 0418, appropriation 55100).

Any unexpended balances remaining in the appropriation Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) at the close of fiscal

year 2024 shall be transferred to the Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees appropriation (fund 0405, appropriation 57500).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy (fund 0407, appropriation 35401) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy (fund 0403, appropriation 35401).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402).

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Health shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of Health shall have the authority to make transfers from the Department of Health Reserve (fund 0407, appropriation XXXXX) appropriation to any general revenue funds under the department. The Secretary shall submit a monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Health Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Health Reserve appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

Any unexpended balance remaining in the appropriation Department of Health Reserve (fund 0407, appropriation XXXXX) as of March 31, 2025 shall revert to the unappropriated surplus balance of General Revenue.

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

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

79 - Office of the Inspector General

(W.V. Code Chapter 16B)

Fund 0437 FY 2025 Org 051

	Appro-	General
	priation	Revenue
		Fund
Personal Services and Employee Benefits.....	00100	\$ 5,583,690
Unclassified	09900	57,469
Current Expenses	13000	<u>1,583,603</u>
Total		\$ 7,224,762

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

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, to fund 0525, fiscal year 2025, organization 0506, be supplemented and amended to add a new item of appropriation:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH

79A - Consolidated Medical Services Fund

(W.V. Code Chapter 16)

Fund 0525 FY 2025 Org 0506

Any unexpended balances remaining in the appropriations for Behavioral Health Program – Surplus (fund 0525, appropriation 63100) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, fund 0403, fiscal year 2025, organization 0511, be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HUMAN SERVICES

81 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2025 Org 0511

	Appro-	General
	priation	Revenue
		Fund
Personal Services and Employee Benefits.....	00100	\$ 32,554,845
Salary and Benefits of Cabinet Secretary and		
Agency Heads.....	00201	159,250
Unclassified	09900	5,120,050
Current Expenses	13000	5,557,409
Child Care Development.....	14400	3,138,536
Jobs & Hope	14902	2,357,000
Social Services	19500	46,136
Behavioral Health Program (R)	21900	66,864,419
Family Resource Networks	27400	1,762,464
Substance Abuse Continuum of Care (R)	35400	1,656,000
Office of Drug Control Policy (R)	35401	567,875
James "Tiger" Morton Catastrophic Illness Fund.....	45500	373,424
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	1,381,500
Child Support Enforcement.....	70500	6,227,186
Temporary Assistance for Needy Families/		
Maintenance of Effort	70700	23,237,186
Child Care – Maintenance of Effort Match.....	70800	5,693,743
Capital Outlay and Maintenance (R)	75500	11,875
Medical Services Administrative Costs.....	78900	58,017
Indigent Burials (R)	85100	1,550,000

CHIP Administrative Costs	85601	633,107
CHIP Services.....	85602	12,122,368
BRIM Premium.....	91300	945,891
Children's Trust Fund – Transfer.....	95100	220,000
Department of Human Services Reserve	XXXXX	<u>183,437,463</u>
Total.....		\$ 356,675,744

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100), and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Human Services shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of the Department of Human Services shall have additional authority to transfer appropriations between Personal Services and Employee Benefits and other dedicated appropriations within the respective departments to effectuate the 5% average salary increases granted during the 2024 regular legislative session: *And provided, further, notwithstanding the above*, that for Fiscal Year 2025 the Secretary of Human Services shall have the authority to make transfers from the Department of Human Services Reserve (fund 0403, appropriation XXXXX) appropriation to any general revenue funds under the department: *And provided, further, notwithstanding the above*, That no funds may be transferred from Fund 0485, FY 2025 Org 0511 Bureau for Medical Services - Home and Community Based Waiver Programs to any other appropriation. The Secretary shall submit monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024 on transfers made from the Department of Human Services Reserve appropriation. The report shall provide an individual accounting on each transfer of funds out of the Department of Human Services appropriation, including the fund and appropriation to which the transfer was made and a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall be presented in person to the Joint Committee on Government and Finance.

The Secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

Any unexpended balance remaining in the appropriation Department of Human Services Reserve (fund 0403, appropriation XXXXX) as of March 31, 2025 shall revert to the unappropriated surplus balance of General Revenue.

The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the W.V. Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800) shall be transferred to the WV Works Separate State College Program Fund (fund 5467) and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the Secretary of the Department of Human Services.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500), an amount not to exceed \$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

Included in the appropriation for Behavioral Health Program (fund 0403, appropriation 21900), is \$100,000 for Recovery Point of Huntington.

The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children's Trust Fund (fund 5469).

From the above appropriation for Substance Abuse Continuum of Care (fund 0403, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Senate Bill 1001, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woodrum, and Blair (Mr. President)—28.

The nays were: Woelfel—1.

Absent: Barrett, Boley, Caputo, Maroney, and Weld—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1001) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woodrum, and Blair (Mr. President)—28.

The nays were: Woelfel—1.

Absent: Barrett, Boley, Caputo, Maroney, and Weld—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1001) takes effect from passage.

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

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

Eng. House Bill 113—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29a, relating to residential substance use disorder treatment facilities; prohibiting payment to facilities that do not meet certain requirements; requiring licensure; requiring accreditation; requiring the Bureau for Medical Services to make necessary filings; setting forth specific timeframe to obtain licensure and accreditation; requiring residential substance use disorder treatment facility to obtain accreditation within one year of operation; providing provisions for operation at a new site or new ownership; requiring a report; stating licensed treatment beds are subject to specific provisions; providing for rulemaking; and providing a sunset date.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Barrett, Boley, Caputo, Maroney, and Weld—5.

The bill was read a second time and ordered to third reading.

Engrossed House Bill 113 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 113 pass?"

On the passage of the bill, the yeas were: Azinger, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Roberts—1.

Absent: Barrett, Boley, Caputo, Maroney, and Weld—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 113) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Roberts—1.

Absent: Barrett, Boley, Caputo, Maroney, and Weld—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 113) takes effect from passage.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Woelfel as to the passage of Engrossed House Bill 113 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 7:44 p.m., the Senate recessed until 8 p.m. tonight.

The Senate reconvened at 8:42 p.m.

At the request of Senator Takubo, unanimous consent being granted, the Senate proceeded to the twelfth order of business.

Remarks were made by Senator Clements.

At the request of Senator Clements, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Wanda Casto, Administrative Assistant to Senator Clements.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Caputo, Maroney, and Barrett.

On motion of Senator Takubo, at 8:46 p.m., the Senate adjourned until tomorrow, Tuesday, May 21, 2024, at 12 Noon.

SENATE CALENDAR

**Tuesday, May 21, 2024
12:00 PM**

SECOND READING

S. B. 1013 - Prohibiting payment to residential substance use disorder treatment facilities in certain circumstances