

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
FIRST EXTRAORDINARY SESSION, 2021  
FIRST DAY

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MONDAY, JUNE 7, 2021

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the third day of June, 2021, convening the eighty-fifth Legislature of West Virginia in extraordinary session today (Monday, June 7, 2021), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston at 12:04 p.m., and was called to order by its President, the Honorable Craig Blair.

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 Stephen Baldwin, a senator from the tenth district.

On the call of the roll, the following answered to their names:

Senators Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

Twenty-nine members having answered to their names, the President declared the presence of a quorum.

### **Executive Communications**

Senator Blair (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk:

**STATE OF WEST VIRGINIA****EXECUTIVE DEPARTMENT****Charleston****A PROCLAMATION****By the Governor**

**I, JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at Noon on Monday, June 7, 2021, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

**FIRST:** To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, appropriation 89101, in the amount of \$14,959,019; to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506, appropriation 89101, in the amount of \$12,477,493; to the Department of Health and Human Resources, Division of Human Services - Energy Assistance, fund 8755, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$40,464,237; to the Department of Health and Human Resources, Division of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$4,617,546; and to the Department of Health and Human Resources, Division of Human Services – Child Care and Development, fund 8817, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$330,722,313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

**SECOND:** To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506, appropriation 89101, in the amount of \$4,886,344;

to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2022, organization 0506, appropriation 89101, in the amount of \$248,917,788; and to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$151,642,105; and, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

**THIRD:** To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402, appropriation 89101, in the amount of \$1,246,924; and to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2021, organization 0402, appropriation 13000, in the amount of \$40,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

**FOURTH:** To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2022, organization 0402, appropriation 89101, in the amount of \$1,246,924; and to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2022, organization 0402, appropriation 13000, in the amount of \$52,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

**FIFTH:** To make a supplementary appropriation, in the amount of \$150,000,000, by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2021, organization 0803, appropriation 70000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021; and

**SIXTH:** To supplement, amend, and increase an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, appropriation 23700, for the fiscal year ending June 30, 2021, in the amount of \$150,000,000; and

**SEVENTH:** To authorize and appropriate public funds sufficient to pay for the Extraordinary Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

**DONE** at the Capitol in the City of Charleston, State of West Virginia, this Third day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Eighth year of the State.

**GOVERNOR**

**SECRETARY OF STATE**

Senator Blair (Mr. President) then laid before the Senate the following supplement to the proclamation dated June 3, 2021, from His Excellency, the Governor, which was read by the Clerk:

**STATE OF WEST VIRGINIA**

**EXECUTIVE DEPARTMENT**

**Charleston**

**A PROCLAMATION**

**By the Governor**

I, **JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated June 3, 2021, calling the West Virginia Legislature to convene in Extraordinary Session at Noon on Monday, June 7, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By deleting item six in its entirety and replacing the same with the following:

**SIXTH:** To supplement, amend, and increase an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, appropriation 23700, for the fiscal year ending June 30, 2022, in the amount of \$150,000,000; and

2. By adding item eight, as follows:

**EIGHTH:** To correct an incorrect citation to federal law, by amending and reenacting chapter 46, Acts of the Legislature, regular session, 2021, as last amended and reenacted by chapter 147, Acts of the Legislature, regular session, 2003, relating to exemptions of property in federal bankruptcy proceedings; allowing a debtor in bankruptcy to use the federal law exemptions under 11 U.S.C. §522(d); and updating the effective date.

*[Signature Page Follows]*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this Seventh day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Eighth year of the State.

GOVERNOR

SECRETARY OF STATE

At the request of Senator Weld, unanimous consent being granted, Senator Weld offered the following resolution from the floor:

**Senate Resolution 101**—Raising a committee to inform the House of Delegates the Senate has assembled in extraordinary session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business for which the extraordinary session was called by His Excellency, the Governor.

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

Whereupon, the President appointed as members of such committee the following:

Senators Grady, Sypolt, and Beach.

Subsequently, Senator Grady, from the committee to notify the House of Delegates the Senate has assembled in extraordinary session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Graves, Gearheart, and Boggs, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

At the request of Senator Weld, unanimous consent being granted, Senator Weld offered the following resolution from the floor:

**Senate Resolution 102**—Raising a committee to wait upon the Governor.

*Resolved by the Senate:*

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

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

Whereupon, the President appointed as members of such committee the following:

Senators Martin, Nelson, and Woelfel.

A message from the House of Delegates, by

Delegates Rowan, Phillips, and Lovejoy, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution 102. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Martin reported that the joint Senate and House committee had performed the duty assigned to it.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Administration, Department of (State Building Commission Fund) (§5-6-1)

Medicine, Board of (§30-1-12)

Protective Services, Division of (§15-2D-3)

The Senate proceeded to the third order of business.

#### **Executive Communications**

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*

June 7, 2021

**Senate Executive Message 1**  
**20211st EXTRAORDINARY SESSION**

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 Member, West Virginia Municipal Pensions Oversight Board, Travis L. Blosser, Charleston, Kanawha County, for the term ending January 1, 2026.
2. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Jerry Boyko, Charleston, Kanawha County, for the term ending January 31, 2023.
3. For Member, Women's Commission, Michelle Barnes Russell, Martinsburg, Berkeley County, for the term ending June 30, 2023.
4. For Member, Women's Commission, Beth A. Ross, Daniels, Raleigh County, for the term ending June 30, 2023.
5. For Member, Women's Commission, Belinda J. Biafore, Fairmont, Marion County, for the term ending June 30, 2021.
6. For Member and Chair, Women's Commission, Kenyatta Coleman Grant, Charleston, Kanawha County, for the term ending June 30, 2022.
7. For Member, Women's Commission, Kameron Miller, Charleston, Kanawha County, for the term ending June 30, 2022.
8. For Member, Women's Commission, Michelle Petties, St. Albans, Kanawha County, for the term ending June 30, 2023.

## OFFICE OF THE GOVERNOR

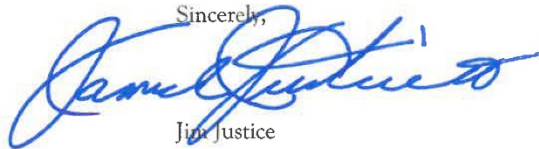
9. For Member, Women's Commission, Crystal R. Bishop, Mount Hope, Raleigh County, for the term ending June 30, 2023.
10. For Member, Women's Commission, Sierra L. Sovine, Dunbar, Kanawha County, for the term ending June 30, 2022.
11. For Member, Women's Commission, Elizabeth Wolfe, Scott Depot, Putnam County, for the term ending June 30, 2022.
12. For Member, Women's Commission, Leah D. Glover, Charleston, Kanawha County, for the term ending June 30, 2021.
13. For Member, Women's Commission, Elizabeth A. Critch, Morgantown, Monongalia County, for the term ending June 30, 2021.
14. For Member, Board of Examiners in Counseling, Durand L. Warren, Williamson, Mingo County, for the term ending June 30, 2024.
15. For Member, National Coal Heritage Area Authority, Molly Williams, Beaver, Raleigh County, for the term ending June 30, 2022.
16. For Member, West Liberty University Board of Governors, David H. McKinley, Wheeling, Ohio County, for the term ending June 30, 2021.
17. For Member, West Liberty University Board of Governors, Stephanie L. Shaw, Columbus, Ohio, for the term ending June 30, 2021.
18. For Member, West Liberty University Board of Governors, Arlene O. Brantley, Atlanta, Georgia, for the term ending June 30, 2024.
19. For Member, Economic Development Authority, Joseph C. Eddy, Wheeling, Ohio County, for the term ending June 30, 2023.
20. For Member, Economic Development Authority, Vicki Dunn-Marshall, Barboursville, Cabell County, for the term ending June 30, 2024.
21. For Member, Economic Development Authority, The Honorable Clark S. Barnes, French Creek, Upshur County, for the term ending June 30, 2022.
22. For Member, Economic Development Authority, Roberta Robinson Olejasz, Wheeling, Ohio County, for the term ending June 30, 2022.
23. For Member, Economic Development Authority, Robert P. Hartley, Ripley, Jackson County, for the term ending June 30, 2021.
24. For Member, Board of Risk and Insurance Management, Janet Leah Cooper, St. Albans, Kanawha County, for the term ending June 30, 2021.

## OFFICE OF THE GOVERNOR

25. For Member, Board of Risk and Insurance Management, Terry L. Rose, Morgantown, Monongalia County, for the term ending June 30, 2022.
26. For Member, Catastrophic Illness Commission, Patricia L. Davis, Romney, Hampshire County, for the term ending August 31, 2024.
27. For Member, West Virginia Investment Management Board of Trustees, Charles S. Houck, Beckley, Raleigh County, for the term ending January 31, 2027.
28. For Member, West Virginia Investment Management Board of Trustees, Kurt Dettinger, Charleston, Kanawha County, for the term ending January 31, 2025.
29. For Member, Family Protection Services Board, Arlene Hudson, Charleston, Kanawha County, for the term ending June 30, 2022.
30. For Member, Athletic Commission, Kathie Hess Crouse, Buffalo, Putnam County, for the term ending June 30, 2023.
31. For Member, Fairmont State University Board of Governors, Jason P. Henderson, Stonewood, Harrison County, for the term ending June 30, 2025.
32. For Member, West Virginia Board of Licensed Dietitians, Mallory Mount, Milton, Cabell County, for the term ending June 30, 2024.
33. For Member, West Virginia Board of Licensed Dietitians, Kelly Rutherford, Huntington, Cabell County, for the term ending June 30, 2021.
34. For Secretary, West Virginia Department of Tourism, Chelsea A. Ruby, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
35. For Secretary, West Virginia Department of Economic Development, The Honorable Mitch B. Carmichael, 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 1**, dated June 7, 2021 (*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 1.

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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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 1 had been confirmed.

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Consideration of executive nominations having been concluded,

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



*Jim Justice*  
Governor of West Virginia

June 7, 2021

SENATE EXECUTIVE MESSAGE NO. 2  
2021 1<sup>ST</sup> EXTRAORDINARY 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 2021 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted to you on February 10, 2021 as part of my Budget Document for the fiscal year ending June 30, 2021:

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

<u>Source of Revenue</u>	<u>FY 2021 Official Estimate Revised</u>
Business and Occupation Tax	\$ 126,900
Consumers Sales and Use Tax	1,421,800
Personal Income Tax <sup>1</sup>	2,255,650
Liquor Profit Transfers	23,000
Beer Tax and Licenses	7,550
Tobacco Products Tax (Cigarette & Other)	155,400
Business Franchise Fees	700
Property Transfer Tax	12,300
Property Tax	7,600
Insurance Tax	131,300
Departmental Collections	24,200
Corporate Income/Business Franchise Tax <sup>1</sup>	194,500
Miscellaneous Transfers	2,000

## OFFICE OF THE GOVERNOR

The Honorable Craig Blair  
 SENATE EXECUTIVE MESSAGE NO. 2  
 2021 1<sup>st</sup> EXTRAORDINARY SESSION  
 Page 2  
 June 7, 2021

Interest Income	14,664
Severance Tax	250,950
Miscellaneous Receipts	11,000
HB102 - Lottery Transfers	65,000
Special Revenue Transfer	10,000
Senior Citizen Tax Credit Reimbursement	10,000
Total	<u>\$ 4,724,514</u>

<sup>1</sup> Revised due to COVID-19 Pandemic extended due dates for filing and paying income taxes, a significant amount of income tax payments were deferred from the fourth quarter of FY2020 to the first quarter of FY2021. Prior to the beginning of fiscal year 2021 the monthly estimates were adjusted to capture this change but the overall annual estimates were not adjusted at that time.

Note: The Governor's official Revenue Estimates for Fiscal Year 2021 were revised upward by \$150 million as of June 2021. The changes include an increase in the Corporate Income/Business Franchise Tax and the Personal Income tax estimate.

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on February 10, 2021 as part of my Budget Document for the fiscal year ending June 30, 2022:

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

Actual Beginning Cash Balance July 1, 2020	\$454,485,510
Less: 31 Day Disbursements (July 1, 2020 - July 31, 2020)	(55,976,092)
Plus: Prior Year Reimbursements (July 1, 2020 - July 31, 2020)	1,842
Less: Prior Year Appropriations Forwarded	(370,172,328)
Less: Cash Balance - Adjustments and Accruals	<u>(259,245)</u>
Accumulated Surplus from FY 2020 @ July 31, 2020	\$28,079,687
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(14,039,843)
Less: FY 2020 Surplus Appropriation in FY 2021 Budget Bill (Milton Flood Wall)	(6,000,000)
Plus: FY 2021 Surplus Supplemental Appropriation - (HB 2788) Expiration of State Excess Lottery Funds to General Revenue Surplus (2020 Regular Session)	6,497,548
Plus: FY 2021 Surplus Supplemental Appropriation -	

## OFFICE OF THE GOVERNOR

The Honorable Craig Blair  
 SENATE EXECUTIVE MESSAGE NO. 2  
 2021 1st EXTRAORDINARY SESSION  
 Page 3  
 June 7, 2021

(HB 2804) Expiration from Special Revenue funds to General Revenue Surplus	15,500,000	
Plus: FY 2021 Surplus Supplemental Appropriation -		
(HB 3297) Expiration from Veterans' Prior Year Reappropriation to		
General Revenue Surplus	550,000	
Less: FY 2021 Surplus Supplemental Appropriation		
(HB 2789 Public Defender) (2021 Regular Session)	(20,000,000)	
Less: FY 2021 Surplus Supplemental Appropriation		
(HB 2803 Forestry) (2021 Regular Session)	(1,000,000)	
Less: FY 2021 Surplus Supplemental Appropriation		
(HB 2802 Division of Emergency Management) (2021 Regular Session)	(650,000)	
Less: FY 2021 Surplus Supplemental Appropriation		
(HB 2895 Veterans' Nursing Home) (2021 Regular Session)	(8,500,000)	
Less: FY 2021 Surplus Supplemental Appropriations		
(HB 3297 Veterans' Nursing Home) (2021 Regular Session)	(550,000)	
Less: Prior Year Reimbursements and adjustments (August 1, 2020 - May 31, 2021)	<u>159,151</u>	
Estimated Unappropriated Surplus Balance @ June 30, 2021		<b>\$46,543</b>
Plus: FY 2021 Revenue Estimate as revised	\$4,724,514,000	
Less: FY 2021 Appropriations (FY 2021 Budget Bill)		
(2020 Regular Session)	(4,574,513,367)	
Less: Recommended: FY 2021 Supplemental Appropriation to Highways		
from General Revenue Unappropriated Balance	<u>(150,000,000)</u>	
Total Estimated Unappropriated Balance @ June 30, 2021		<b><u>\$633</u></b>
Plus: FY 2022 Revenue Estimate	\$4,569,616,000	
Less: FY 2022 Appropriations (FY 2022 Budget Bill) (2021 Regular Session)	(4,495,032,115)	
Estimated Unappropriated Balance from FY 2022 Activity @ June 30, 2022		<b><u>\$74,583,885</u></b>
Total Estimated Unappropriated Balance @ June 30, 2022		<b><u>\$74,631,061</u></b>

## OFFICE OF THE GOVERNOR

The Honorable Craig Blair  
 SENATE EXECUTIVE MESSAGE NO. 2  
 2021 1<sup>st</sup> EXTRAORDINARY SESSION  
 Page 4  
 June 7, 2021

The following amends and replaces the "FY 2021 Official Estimate – State Road Fund – Statement of Revenues by Source" which I submitted to you on February 10, 2021 as part of my Budget Document for the fiscal year ending June 30, 2021:

State Road Fund Statement of Revenues by Source (Expressed in Thousands)		FY 2021 Official Estimate Revised
<u>Source of Revenue</u>		<u>Estimate Revised</u>
Gasoline and Motor Carrier Road Tax	\$	440,000
Registration Fees		169,357
Registration Fee: Highway Litter Control		1,671
Sales (Privilege) Tax		276,500
Less Transfer to Industrial Access Road Fund		(3,000)
Miscellaneous Income <sup>1</sup>		235,000
Federal Reimbursement:		<u>502,400</u>
Total	\$	<u>1,621,928</u>

<sup>1</sup> For needed pothole repair and other highway maintenance.

State Road Fund Statement of Revenues, Expenditures, and Changes in Cash Balance (Nearest Dollar)	
Cash and Investment Balance July 1, 2020	\$50,082,516
Plus: Revenue Estimate - FY 2021	1,471,928,000
Plus: FY 2021 Revision to Revenue Estimate (2021 1st Extraordinary Session)	<u>150,000,000</u>
Total Estimated Receipts and Balance:	<b>\$1,672,010,516</b>
Less: FY 2021 Appropriations (FY 2021 Budget Bill) - Division of Highways	(1,308,582,854)
Less: FY 2021 Appropriations (FY 2021 Budget Bill) - Division of Motor Vehicles	(46,077,719)
Less: FY 2021 Appropriations (FY 2021 Budget Bill) - Office of Administrative Hearings	(2,065,530)



## OFFICE OF THE GOVERNOR

The Honorable Craig Blair  
 SENATE EXECUTIVE MESSAGE NO. 2  
 2021 1st EXTRAORDINARY SESSION  
 Page 5  
 June 7, 2021

Less: Claims Against the State Road Fund (FY 2021 Budget Bill)	(844,164)
Less: FY 2021 Supplementary Appropriations (2021 Regular Session) Division of Highways	(85,067,146)
Less: FY 2021 Surplus Supplemental Appropriation - (2021 Regular Session) Division of Motor Vehicles	<u>(6,054,000)</u>
Estimated Unappropriated Balance @ June 30, 2021	<b>\$223,319,103</b>
Plus: FY 2022 Revenue Estimate	\$1,417,700,000
Less: Recommended FY 2022 Appropriations (FY 2022 Budget Bill) - Highways	(1,305,650,000)
Less: Recommended FY 2022 Appropriations (FY 2022 Budget Bill) - Motor Vehicles	(46,077,719)
Less: Recommended FY 2022 Appropriations (FY 2022 Budget Bill) - Office of Administrative Hearings	(45,000)
Less: Claims Against the State Road Fund (FY 2022 Budget Bill)	(850,000)
Less: FY 2022 Supplementary Appropriations Division of Highways (2021 Regular Session)	(74,067,146)
Less: FY 2022 Supplementary Appropriations Division of Highways (2021 1 <sup>st</sup> Extraordinary Session)	<u>(150,000,000)</u>
Estimated Unappropriated Balance @ June 30, 2022	<u><b>\$64,329,238</b></u>

Thank you for your cooperation in this matter.

Sincerely,



Jim Justice  
 Governor

cc: The Honorable Riley Moore  
 The Honorable John B. McCuskey

Which communication was received and referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills were considered introduced and read by their titles:

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 1001**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; to Department of Health and Human Resources, Division of Human Services - Energy Assistance, fund 8755, fiscal year 2022, organization 0511; to the Department of Health and Human Resources, Division of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2022, organization 0511; and to the Department of Health and Human Resources, Division of Human Services – Child Care and Development, fund 8817, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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

Engrossed Senate Bill 1001 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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 Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 1002**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2022, organization 0506; and to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511 by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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

Engrossed Senate Bill 1002 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 1002) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 1002) takes effect from passage.

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

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 1003**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402; and to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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

Engrossed Senate Bill 1003 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 1003) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 1003) takes effect from passage.

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

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 1004**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2022, organization 0402; and to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2022, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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

Engrossed Senate Bill 1004 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 1004) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 1004) takes effect from passage.

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

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 1005**—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2021, organization 0803, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the Budget Bill for the fiscal year ending June 30, 2021.

Referred to the Committee on Rules.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 1006**—A Bill supplementing, amending, and increasing an existing item of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, for the fiscal year ending June 30, 2022.

Referred to the Committee on Rules.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 1007**—A Bill to amend and reenact Chapter 46, Acts of the Legislature, Regular Session, 2021, as last amended and reenacted by Chapter 147, Acts of the Legislature, Regular Session, 2003, relating to exemptions of property in federal bankruptcy proceedings; allowing a debtor in bankruptcy to use the federal law exemptions under 11 U.S.C. §522(d); and updating the effective date.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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

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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith,

Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 1007) takes effect from passage.

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

At the request of Senator Baldwin, and by unanimous consent, Senator Baldwin addressed the Senate.

The Senate then stood in observance of a moment of silence in recognition of the passing of William J. Ihlenfeld, Sr., father of the Honorable William J. Ihlenfeld II, a senator from the first district.

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

On motion of Senator Weld, at 12:51 p.m., the Senate recessed until 1 p.m. today.

The Senate reconvened at 1:39 p.m. and, without objection, returned to the third order of business.

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

**Eng. House Bill 101**—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2021, organization 0803, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021.

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

On motion of Senator Weld, 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, Baldwin, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: None.



Absent: Beach, Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—6.

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

Engrossed House Bill 101 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 101) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 101) 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 102**—A Bill supplementing, amending and increasing an existing item of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, for the fiscal year ending June 30, 2022.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale,

Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

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

Engrossed House Bill 102 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 102) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Ihlenfeld, Lindsay, Maroney, Romano, and Takubo—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. 102) takes effect from passage.

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

The Senate again proceeded to the sixth order of business.

At the request of Senator Trump, and by unanimous consent, Senator Trump offered the following resolution from the floor:

**Senate Resolution 103**—Creating a Select Committee on Redistricting for the Eighty-Fifth Legislature.

*Resolved by the Senate:*

That for a period of time not to exceed the term of the Eighty-Fifth Legislature there is hereby created a Select Committee on Redistricting. This committee shall consist of nine members appointed by the Presiding Officer. Notwithstanding the provisions of any Senate rule to the

contrary, this committee shall have jurisdiction of legislative proposals to arrange senatorial and delegate districts, to divide and alter the State into senatorial districts for the election of senators, to apportion delegate representation in the House of Delegates for the election of delegates, to divide the State into districts for the election of representatives to the Congress and related matters. The rules of the Senate governing standing committees shall govern the actions and proceedings of this committee insofar as applicable.

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

Without objection, the Senate returned to the third order of business.

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

**Eng. Senate Bill 1001**, Making supplemental appropriations to DHHR for federal block grant moneys.

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**, Making supplemental appropriations to Department of Health and Human Resources.

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**, Making supplemental appropriations to State Board of Education.

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**, Making supplemental appropriations for fiscal year 2022 to Department of Education.

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 1007**, Relating to exemptions of property in federal bankruptcy proceedings.

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale addressed the Senate regarding Marshall University's men's soccer team winning the 2020 NCAA Division I National Championship.

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

At the request of Senator Smith, unanimous consent being granted, Senator Smith addressed the Senate regarding various actions by the Governor during the COVID-19 pandemic.

Thereafter, at the request of Senator Karnes, and by unanimous consent, the remarks by Senator Smith were extended in the Journal as follows:

SENATOR SMITH: Thank you, Mr. President.

It's been said that, you know, we're elected by the people in our districts to be the voice of our people and.... I've been struggling with this for a couple of months now, but.... I've got many phone calls, many e-mails, many text messages, you can't go anywhere. But people in this state, at least in my district—I can't speak for everyone—but, in my district, are extremely upset about what's going on with our Governor.

All of a sudden, he thinks he's a game show host or something... Bob Barker, Pat Sajak, or something. He's spending money, you know, the CARES money on lotteries and giving out gifts for the vaccine. I'm not, you know, for the vaccine or against the vaccine. My feeling is if you want the vaccine, get the vaccine. If you don't, don't. That's one of the good things about living in the United States of America and, supposedly, the free state of West Virginia. And I don't believe we should be using money to bribe people to do something that should be their own personal choice. Evidently, a lot of people in this state, or in my district, agrees the same way. You know, Pennsylvania's got Gus the groundhog, now we've got Babydog the bulldog... trying to use as a marketing tool.

And it upsets me, Mr. President, that we have not taken any stance to reel this governor in on some of his actions. I mean, every day it's something else. And we're always blindsided by it. I mean, if you don't watch certain news agencies, you don't know what's going on in this state. And that's not right... us being elected bodies... we're elected by the people to represent the people. And most of the time we have zero, zero input on what's going on in this state.

We came through the session—and I felt it was a good session... I'm not saying... we got a lot of good done I believe.... But, just like the mask mandate... I mean, the whole country is back to normal, but we got to wait 'til June the twentieth for our freedom day in the free state of West Virginia. And I have a problem with that. And I've kept my mouth shut. Mr. President, you know as well as anyone, I'm usually very, very vocal. I speak my mind if something's on my mind. I've tried, with the pandemic going on... it was a lot of things. I'm not saying that the Governor did a bad job of handling the pandemic... this is nothing referring to that. But it is referring to our personal freedoms. Why we are letting him continue to spend this money the way he determines to spend it instead of the legislative body? I have a problem with that. Always have. Always will. I don't care who the Governor is. You know, our Governor's a Republican... I'm a Republican. So, this isn't, you know, a partisan issue.

I mean this is a man that.... You know, everyone knows what's on the news... \$700 million that he signed off on for loans and after he signed an ethics paper that he doesn't have anything to do with his businesses while he's the governor. But evidently, he does. But it goes on deaf ears. Nobody really cares it seems. And I just... I have a problem with all this wasteful spending... I consider wasteful spending.

I got a call coming down today from someone that works at one of our state hospitals. And this is like the third or fourth call where our state hospitals are losing people daily because of the wages that we're paying... and, we're trying to shut them down every year. And then you find out that they just renewed their private contractors to hire private contractors and they're paying nurses... or not paying the nurses but the contracting company... a hundred dollars an hour and then we're wanting to pay our state nurses twenty-some dollars an hour—LPNs. And RNs are thirty-some dollars an hour. Mr. President, that's not right. I mean, these are state employees and our Governor is not focused on the problems of West Virginia. If he's not on TV every day, then he's got to come up with some dog and pony show to get attention so he can get back on TV. I'm

just upset and I'm fed up with it. He needs to take some responsibility and start acting like a governor. And we need to take responsibility as an elected body to make sure that these issues doesn't happen. I mean, that's all that people want in this state is want their voices heard. And we've pretty well silenced the voices of our people.

Mr. President, I'm, you know, I'm sorry about this. Like I said, this is something that has ate at me for months now since I left the session because I felt we let the vote get away from us. You know, the House sent over the bill, 2003 (*Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency*), to reel in the powers. And we decided not to take it up. And I'm not calling anyone out on that because everyone has their personal.... I know the support wasn't there for it. But we've got to do something. We cannot continue to let this go on for three more years and just let him be the bully on the block. There's an elected body on that side, there's an elected body on this side, and there's the Governor's office down there. We should all three be making choices. We shouldn't be getting bullied, shouldn't be getting threatened that we're getting bills vetoed. You know, my district, after this speech, will probably never see a dime. I hope that's not the case but that's just the way it works. I'm smart enough to know how the process works. If you step on toes, then you usually get kicked in the knees.

So, I couldn't let this go, Mr. President. I'm just fed up that we are allowing this to happen, and it's turned into a circus. Nothing can get back to normal because the man downstairs keeps on dragging it on. We should be.... Our mask mandate.... Good grief, I work with the guys from Maryland—one of the most liberal states in the country—and they have more freedom than what West Virginia does. And I have a problem with that.

I don't mind getting teased. That's not the reason. It's just I have a problem with our freedoms being infringed upon.

There's a reason that we're the greatest country in the world and this past year has showed us how quickly and how easily we could lose those freedoms. And once the government finds out and gets ahold of something that they know that they can control you with.... If you think this is the last time this is going to happen since they seen how well it worked this time because we haven't did anything in our state to stop a lot of this nonsense and reel a lot of this unreal spending.... I mean, like I said, look at our road situation. We've spent a lot of money on roads. We gave \$150 million today, but no one mentioned that we're \$90 million under the estimates. So, really, we've gave \$60 million to roads. Fifty-five counties, do the math. I'm terrible on math but I'm smart enough to know that that's not going to go very far... \$60 million of extra funding for our roads. The shape they're in, it should be a top priority. I mean, it should be.... We need to find another way to fund our roads because of, you know, the fuel efficiencies of vehicles. Everyone... you know, I'm not preaching because I'm preaching to the choir. But there's just a lot of things in this state that needs addressed instead of giving out free guns or a million dollars or whatever. Who knows what's next. I hate to even see what one of the other governors comes up with because then we're going to have up one on the other governor.

So, Mr. President, if you have any, any... an ounce of influence on the executive branch, please reach out to him. People in this state in my district are fed up and they're mad. And I'm getting tired of answering phone calls and trying to explain, or, trying to come up with some kind of excuse why we're letting this happen because I have nothing anymore. I don't know. I'm as aggravated as the rest of them.

So, I'm sorry for dragging on but I just wanted to let you know that I feel that we are the voice of the people, and we need to start letting our voices be heard and start acting like the elected body that we was elected to be.

Thank you, Mr. President.

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At the request of Senator Woelfel, unanimous consent being granted, Senator Woelfel addressed the Senate regarding various actions by the Governor during the COVID-19 pandemic.

At the request of Senator Caputo, and by unanimous consent, Senator Caputo addressed the Senate.

The Senate then stood in observance of a moment of silence in recognition of the passing of Trenten J. Dille, a coal miner who was killed in a mining accident in Marion County on June 2, 2021.

The Senate again proceeded to the sixth order of business.

At the request of Senator Weld, and by unanimous consent being granted, Senator Weld offered the following pre-adjourment resolution from the floor:

**Senate Resolution 104**—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

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

Senator Blair (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjournment:

Senators Grady, Sypolt, and Beach.

Subsequently, Senator Grady reported that the duties assigned by Senate Resolution 104 had been performed.

Thereafter, a three-member delegation from the House of Delegates, namely

Delegates Kessinger, Pack, and Pethtel, announced that that body also had completed its labors and was ready to adjourn *sine die*.

At the request of Senator Weld, unanimous consent being granted, Senator Weld offered the following resolution from the floor:

**Senate Resolution 105**—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.

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

Under the provisions of the foregoing resolution, Senator Blair (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate was ready to adjourn:

Senators Martin, Nelson, and Woelfel.

Senators Martin, Nelson, and Woelfel, comprising the Senate committee, then proceeded to the executive offices to notify His Excellency, the Governor, of imminent adjournment of this extraordinary session of the Legislature.

Subsequently, Senator Martin, from the joint select committee to notify His Excellency, the Governor, that the Legislature had completed the business of this extraordinary session and was ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Martin then reported this mission accomplished.

At the request of Senator Maynard, unanimous consent being granted, the Joint Committee on Enrolled Bills was granted permission, after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this first extraordinary session of the eighty-fifth Legislature in the year two thousand twenty-one, to file its reports with the Clerk and that the same be included in the Journal of the last day of the session; and also, that any communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, be included in the Journal.

In accordance with the foregoing unanimous consent agreement, the following report of the Joint Committee on Enrolled Bills was filed as follows:

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 8th day of June, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 1001)**, Making supplemental appropriations to DHHR for federal block grant moneys.

**(S. B. 1002)**, Making supplemental appropriations to Department of Health and Human Resources.

**(S. B. 1003)**, Making supplemental appropriations to State Board of Education.

**(S. B. 1004)**, Making supplemental appropriations for fiscal year 2022 to Department of Education.

**(S. B. 1007)**, Relating to exemptions of property in federal bankruptcy proceedings.

**(H. B. 101)**, Making supplementary appropriation to the Division of Highways.

And,

**(H. B. 102)**, Supplementing, amending and increasing an existing item to the Department of Transportation.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Dean Jeffries,  
*Chair, House Committee.*

### **Executive Communications**

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following is inserted hereinafter:

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





*Jim Justice*  
*Governor of West Virginia*

June 11, 2021

The Honorable Mac Warner  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Warner:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

House Bill No One Hundred One (101), which was presented to me on June 8, 2021.

House Bill No. One Hundred Two (102), which was presented to me on June 8, 2021.

Senate Bill No. One Thousand One (1001), which was presented to me on June 8, 2021.

Senate Bill No. One Thousand Two (1002), which was presented to me on June 8, 2021.

Senate Bill No. One Thousand Three (1003), which was presented to me on June 8, 2021.

Senate Bill No. One Thousand Four (1004), which was presented to me on June 8, 2021.

Senate Bill No. One Thousand Seven (1007), which was presented to me on June 8, 2021.

You will note that I have approved these bills on June 11, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Lee Cassis  
The Honorable Stephen J. Harrison

On motion of Senator Weld, at 2:07 p.m., the first extraordinary session of the Senate in the year two thousand twenty-one adjourned *sine die*.

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