

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
THIRD EXTRAORDINARY SESSION, 2021
FIRST DAY

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the eighth day of October, 2021, convening the eighty-fifth Legislature of West Virginia in extraordinary session today (Monday, October 11, 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 11:07 a.m., and was called to order by its President, the Honorable Craig Blair.

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

JOHN R. UNGER II
STATE SENATOR
16TH SENATORIAL DISTRICT



STATE CAPITOL, ROOM W-200
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7933

September 9, 2021

The Honorable Senate President Craig Blair
West Virginia Senate
State Capitol, Room M-229, Building 1
1900 Kanawha Blvd. E.
Charleston, West Virginia 25305

Dear President Blair,

It is with the utmost respect that I submit my resignation from the West Virginia Senate, effective September 11, 2021.

During my tenure as Senator, my call has always been to serve and represent the people of the Sixteenth Senatorial District faithfully to the best of my abilities. Over the years, my life has been shaped by the relationships developed while serving in the capacity as Senator. I have been and continue to be incredibly blessed to know and work with such strong and resilient people who are invested in their families, communities, and state.

With the present conditions our state is facing, I feel called to focus all my attention, energies, and abilities in supporting the people by addressing the human condition caused by trauma, depression, fear, and addiction that is becoming more prevalent each day in our families and throughout our communities. Therefore, to do this, I will transition from the legislative branch to the judicial branch to serve the people as a Magistrate as well as continue to serve in ministry as a pastor and priest.

Sincerely,

A handwritten signature in blue ink that reads "John R. Unger II".

John R. Unger II

Executive Communications

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



Jim Justice
Governor of West Virginia

September 29, 2021

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

Dear Secretary Warner:

Pursuant to W.Va. Code § 3-10-5, I have this day appointed the Honorable Hannah Geffert, Martinsburg, Berkeley County, as a Senator representing the Sixteenth Senatorial District, to fill the vacancy created by the resignation of the Honorable John Unger from this day through the remainder of the unexpired term of said office.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

cc: President of the Senate
Speaker of the House
✓ Clerk of the Senate
Clerk of the House of Delegates
West Virginia Ethics Commission

The several oaths of office prescribed by the Constitution were administered by the Honorable Craig Blair, Senate President, to Hannah N. Geffert, of the County of Berkeley, on October 10, 2021.

The following communication was next reported by the Clerk:

The Senate of West Virginia
Charleston

WILLIAM J. IHLENFELD II
STATE SENATOR
1ST SENATORIAL DISTRICT



STATE CAPITOL, ROOM W-229
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7918

October 5, 2021

The Honorable Senate President Craig Blair
West Virginia Senate
State Capitol, Room M-229, Building 1
1900 Kanawha Blvd., E
Charleston, WV 25303

Dear Senator Blair,

I hereby provide you with notice of my resignation from the West Virginia State Senate, effective immediately.

It has been a privilege serving the people of the First Senatorial District and advocating for their interests in Charleston. I am fortunate that the position of United States Attorney will permit me to continue to serve, leading federal efforts to enhance public safety while delivering justice for West Virginians.

Although my time in the Legislature has come to an end, the friendships I have made will continue. Best wishes to you and I hope that our paths cross again someday.

Sincerely,

Handwritten signature of William J. Ihlenfeld, II in blue ink.
William J. Ihlenfeld, II

WJI/stb

Executive Communications

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



Jim Justice
Governor of West Virginia

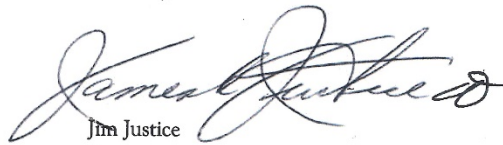
October 7, 2021

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

Dear Secretary Warner:

Pursuant to W.Va. Code § 3-10-5, I have this day appointed the Honorable Owens Brown, Wheeling, Ohio County, as a Senator representing the First Senatorial District, to fill the vacancy created by the resignation of the Honorable Bill Ihlenfeld from this day through the remainder of the unexpired term of said office.

Sincerely,


Jim Justice
Governor

cc: President of the Senate
Speaker of the House
Clerk of the Senate
Clerk of the House of Delegates
West Virginia Ethics Commission

The several oaths of office prescribed by the Constitution were administered by the Honorable Craig Blair, Senate President, to Owens Brown, of the County of Ohio, on October 10, 2021.

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

Senators Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President).

Thirty-two 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 11:00 AM on Monday, October 11, 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: Legislation relating to and implementing the decennial redistricting of the House of Delegates and State Senate of the Legislative Department.

SECOND: Legislation relating to and implementing the decennial apportionment of representatives of the United States House of Representatives.

THIRD: To make 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 Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$16,400,000, for the fiscal year ending June 30, 2022.

FOURTH: To make 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 Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$7,832,540, for the fiscal year ending June 30, 2022.

FIFTH: To expire funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$2,000,000 from the

Attorney General, Consumer Protection Recovery Fund, Fund 1509, Fiscal Year 2022, Organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

SIXTH: To make 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 Agriculture, fund 8736, fiscal year 2022, organization 1400; by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,098,839, for the fiscal year ending June 30, 2022.

SEVENTH: To make 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 Arts, Culture and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$765,400, for the fiscal year ending June 30, 2022.

EIGHTH: To make 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 – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$267,969, for the fiscal year ending June 30, 2022.

NINTH: To make 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; by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$100,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$11,000,000, for the fiscal year ending June 30, 2022.

TENTH: To make 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, fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$1,400,000, the appropriation for Current Expenses, appropriation 13000, in the amount of \$33,556,737, and the appropriation for Federal Coronavirus Pandemic, Appropriation 89101, in the amount of \$14,998,450 for the fiscal year ending June 30, 2022.

ELEVENTH: To make 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 Human Services, fund 8722, fiscal year 2022, organization 0511; by supplementing and amending the appropriation for Medical Services, appropriation 18900, in the amount of \$83,509,092, and for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$340,984,855 for the fiscal year ending June 30, 2022.

TWELFTH: To make 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, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$218,330, for the fiscal year ending June 30, 2022.

THIRTEENTH: To make 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 Arts, Culture and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$710,176, for the fiscal year ending June 30, 2022.

FOURTEENTH: To make 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 Arts, Culture and History, Library Commission, fund 8720,

fiscal year 2022, organization 0433, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$2,388,880, for the fiscal year ending June 30, 2022.

FIFTEENTH: To make 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 Veterans' Assistance, Department of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,816,040, the fiscal year ending June 30, 2022.

SIXTEENTH: To make 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 Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,508,024, for the fiscal year ending June 30, 2022.

SEVENTEENTH: To make 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 Arts, Culture and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; by supplementing, amending and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,960,588, for the fiscal year ending June 30, 2022.

EIGHTEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432, by supplementing and amending the appropriations for Current Expenses, appropriation 13000, in the amount of \$22,900, and adding an appropriation for the WV Women's Suffragist Memorial, appropriation XXXXX, in the amount of \$50,000, the fiscal year ending June 30, 2022.

NINETEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriation for Global Economic Development Partnerships, appropriation XXXXX, in the amount of \$150,000, for the fiscal year ending June 30, 2022.

TWENTIETH: To make 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 Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, for Directed Transfer, appropriation 70000, in the amount of \$250,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FIRST: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for Civil Contingent Fund – Surplus (R), appropriation 23800, in the amount of \$2,000,000, the fiscal year ending June 30, 2022.

TWENTY-SECOND: To make 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 Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, for Directed Transfer, appropriation 70000, in the amount of \$500,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-THIRD: To make 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, Public Port Authority, fund 0581, fiscal year 2022,

organization 0806, Directed Transfer, appropriation 70000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FOURTH: To make supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriation for Personal Services, appropriation 00100, in the amount of \$200,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$50,000, for the fiscal year ending June 30, 2022.

TWENTY-FIFTH: To make supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, for the appropriation of Current Expenses, appropriation 13000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-SIXTH: To supplement and amend chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, by supplementing and amending appropriations in Title II, section 12 for the fiscal year ending June 30, 2022, by transferring \$2,500,000 from Directed Transfer (fund 1509, appropriation 7000), to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185).

TWENTY-SEVENTH: To amend and reenact § 61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain a state license to carry a concealed deadly weapon; to require half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and to exclude honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee.

TWENTY-EIGHTH: To amend and reenact § 16-48-3, § 16-48-4, and § 16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLÉ Act; to define terms; to authorize the State Treasurer to promulgate emergency rules; to permit a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and to clarify that the State Treasurer may require an application to open an ABLÉ account.

TWENTY-NINTH: To amend and reenact § 11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; to exempt from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; to provide for an effective date; and to provide conditions of exemption.

THIRTIETH: To repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-32-1, §29-32-2, §29-32-5 of said code, all relating to establishing a Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; to establish the Medal of Valor and criteria for awarding it; to establish the First Responders Honor Board within the Department of Homeland Security; to define persons whom the board may recommend to receive the Medal of Valor; to establish criteria for board membership; to set the term of board membership; to require the board to meet at least annually and provide notice thereof; to provide for the election of a board chair and define a quorum; and to mandate nominations for the Medal of Valor be submitted by the first day of the next regular session of the Legislature.

THIRTY-FIRST: To amend and reenact § 16-2-11 and § 16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of local county commissions, appointing entities, or county boards of educations as to rules of local health boards; to provide, by amending § 16-2-11(b)(3)(D), that any rule adopted or established by a local health board or local health officer on which no action is taken by a county commission or appointing entity to approve, disapprove, or amend the local rule within 30 days after the rule is effective, is void and to provide that, with respect to a local rule which solely applies to and affects public, private, or parochial schools or state-regulated childcare centers, such local rule shall be approved, disapproved, or amended by the county board of education, instead of the county commission or appointing entity, within 30 days of approval of the local rule from the local board of health; to provide, by amending

§ 16-2-11(b)(3)(H), that if there is an imminent public health emergency, approval of the county commission, appointing entity, or county board of education is not necessary before the local rule goes into effect but that such local rule shall be approved or disapproved by the county commission, appointing entity, or county board of education within 30 days after the rule is effective, and any local rule on which the county commission, appointing authority, or county board of education has taken no action within 30 days shall be void; to provide, by amending § 16-2-11(b)(3) by adding thereto a new subparagraph designated (I), that for purposes of § 16-2-11, a “rule” or “rules” subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education shall mean and include any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 during the regular session of the Legislature, 2021, and any such order or directive issued by a local health officer shall be null and void which is not approved by the county commission, appointing entity, or county board of education, as applicable, within thirty days following the effective date of the reenactment of § 16-2-11 during the third extraordinary session of the Legislature in 2021; and to provide, by amending § 16-2-13, by adding thereto a new subsection designated (c), that any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any such order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 of the West Virginia Code during the regular session of the Legislature, 2021, shall be subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education pursuant to § 16-2-11 of this code within thirty days following the effective date of the reenactment of this section in the third extraordinary session of the Legislature in 2021.

THIRTY-SECOND: To amend and reenact § 6-7-2A of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission.

THIRTY-THIRD: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated § 51-1-23, relating to creating a special revenue fund designated the Court Facilities Maintenance Fund to be administered by the West Virginia Supreme Court of Appeals; the fund to consist of moneys received from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia; all moneys deposited into the State Treasury and credited to the Court Facilities Maintenance Fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia; and all moneys collected by the administrator of the Supreme Court of Appeals from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia to be deposited into the Court Facilities Maintenance Fund, expenditures from the fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia and such expenditures not to be authorized from collections but to be made only in accordance with appropriation by the Legislature in accordance with article three, chapter twelve of the West Virginia Code and upon fulfillment of the requirements of article two, chapter eleven-b of the West Virginia Code.

THIRTY-FOURTH: To amend and reenact § 23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact § 51-2A-24 of said code; to amend and reenact § 51-11-3, § 51-11-4, § 51-11-6, and § 51-11-8 of said code; and to amend and reenact § 58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers' compensation claims; to provide that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; to provide for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; to remove language establishing the Intermediate Court of Appeals as a court of record; to modify the prohibition on sitting Intermediate Court of Appeals Judges retaining their seat upon becoming a candidate or pre-candidate for any elected public office to prohibit sitting Intermediate Court of Appeals Judges only from retaining their seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; to authorize the Intermediate Court of Appeals to be located in a fixed or virtual location in facilities provided by the Administrative Director of the Supreme Court; to provide an exception to appellate jurisdiction of the Intermediate Court of Appeals with

respect to final judgments or final orders issued by family courts in domestic violence proceedings; to exclude from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; to authorize individuals appointed to serve as judges of the Intermediate Court of Appeals to take the oath and commence duties on or before July 1, 2022; to authorize contractual arrangements for use of facilities by the Intermediate Court of Appeals to include physical or virtual spaces; and to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and to make other technical corrections.

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

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



By the Governor


GOVERNOR


SECRETARY OF STATE

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

Senate Resolution 301—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 Takubo, 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 Rucker, Smith, and Brown.

Subsequently, Senator Rucker, 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 Takubo, unanimous consent being granted, Senator Takubo offered the following resolution from the floor:

Senate Resolution 302—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 Takubo, 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 Swope, Maynard, and Geffert.

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 302. Senate and House members of this select committee then proceeded to the executive offices.

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

The Senate proceeded to the sixth order of business.

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

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

Senate Bill 3001—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 Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3002—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 Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3003—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$2,000,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2022, organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3004—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 Agriculture, fund 8736, fiscal year 2022, organization 1400,

by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3005—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 Arts, Culture, and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3006—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 – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3007—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, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3008—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 - Central Office fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3009—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 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 Takubo, 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.

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

Senate Bill 3010—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, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3011—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 Arts, Culture, and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3012—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 Arts, Culture, and History, Library Commission, fund 8720, fiscal year 2022, organization 0433, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3013—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 Veterans' Assistance, Department of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3014—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 Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3015—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 Arts, Culture, and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3016—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3017—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3018—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund,

General Revenue, by adding a new item of appropriation and increasing the expenditure, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3019—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3020—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 Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3021—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3022—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3023—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, Public Port Authority, fund 0581, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3024—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, by supplementing and amending appropriations in Title II, Section 12, for the fiscal year ending June 30, 2022.

At the request of Senator Takubo, 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.

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

Senate Bill 3025—A Bill to amend and reenact §16-48-3, §16-48-4, and §16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLE Act; defining terms; authorizing the State Treasurer to promulgate emergency rules; permitting a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and clarifying that the State Treasurer may require an application to open an ABLE account.

At the request of Senator Takubo, 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.

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

Senate Bill 3026—A Bill to amend and reenact §16-2-11 and §16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of appointing authorities or county boards of education as to the rules of local boards of health; providing that any rule adopted or established by a local board of health on which no action is taken by an appointing authority to approve, disapprove or amend the rule within 30 days after the rule is effective, is void; providing that, with respect to any rule adopted or established by a local board of health which solely applies to and affects public schools, such rule shall be approved, disapproved, or amended by the county board of education, instead of the appointing authority, within 30 days of approval of the rule by the local board of health, and any such rule on which no action is taken by the county board of education within 30 days after the rule is effective, is void; providing that, if there is an imminent public health emergency, approval of the appointing authority or county board of education is not necessary before the rule goes into effect, but the rule shall be approved or disapproved by the appointing authority or county board of education within 30 days after the rule is effective, and any rule on

which the appointing authority or county board of education has taken no action within 30 days shall be void; providing that a rule or rules subject to approval, disapproval, or amendment by an appointing authority or county board of education shall mean and include any order or directive issued by a local health officer which operates as a rule or a policy affecting multiple people as a class within the jurisdiction subject to rules of the local board of health, including, but not limited to, any order made and entered by a local health officer on or after the effective date of the amendments to this section during the regular session of the Legislature, 2021, and any such order or directive issued by a local health officer shall be null and void if not approved by the appointing authority within 30 days following the effective date of the reenactment of this section during the third extraordinary session of the Legislature in 2021; and making technical changes.

At the request of Senator Takubo, 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.

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

Senate Bill 3027—A Bill to repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-32-1, §29-32-2, and §29-32-5 of said code, all relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; establishing Medal of Valor and criteria; establishing First Responders Honor Board within Department of Homeland Security; defining persons whom board may recommend to receive Medal of Valor; establishing criteria for board membership; setting term of board membership; requiring board meet at least annually and provide notice thereof; providing for election of board chair and defining quorum; and requiring nominations for Medal of Valor be submitted by the first day of next regular session of Legislature.

At the request of Senator Takubo, 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.

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

Senate Bill 3028—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission.

At the request of Senator Takubo, 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.

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

Senate Bill 3029—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-23, relating to the creation and use of a Court Facilities Maintenance Fund.

At the request of Senator Takubo, 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.

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

Senate Bill 3030—A Bill to amend and reenact §23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-11-3,

§51-11-4, §51-11-6, and §51-11-8 of said code; and to amend and reenact §58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers' compensation claims; providing that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; providing for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; removing language establishing Intermediate Court of Appeals as a court of record; modifying prohibition on sitting Intermediate Court of Appeals Judges to retain seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; authorizing Intermediate Court of Appeals to be located in a fixed or virtual location; providing an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; excluding from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; authorizing individuals appointed to serve as judges of the Intermediate Court of Appeals to take oath and commence duties on or before July 1, 2022; authorizing contractual arrangements for use of facilities by Intermediate Court of Appeals to include physical or virtual spaces; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and making other technical corrections.

At the request of Senator Takubo, 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.

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

Senate Bill 3031—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; and providing conditions of exemption.

At the request of Senator Takubo, 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.

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

Senate Bill 3032—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain state license to carry a concealed deadly weapon; raising the fee to \$50; requiring half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and excluding honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee.

At the request of Senator Takubo, 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.

Petitions

Senator Caputo presented a petition from Paula J. Hollen and 99 West Virginia residents, requesting the repair of the culvert/bridge at the intersection of Big Mill Fall and 4-H Camp roads.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced changes in appointment of the standing committees of the Senate for this eighty-fifth Legislature, and at the request of Senator Takubo, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

STANDING AND SELECT COMMITTEES OF THE SENATE

2021

AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Woodrum (*Vice Chair*), Grady, Martin, Maynard, Roberts, Rucker, Smith, Baldwin, Beach, and Geffert.

BANKING AND INSURANCE

Senators Azinger (*Chair*), Clements (*Vice Chair*), Boley, Hamilton, Nelson, Rucker, Swope, Sypolt, Weld, Beach, Brown, Romano, and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Rucker, Tarr, Weld, Baldwin, Plymale, and Stollings.

ECONOMIC DEVELOPMENT

Senators Swope (*Chair*), Martin (*Vice Chair*), Azinger, Hamilton, Nelson, Roberts, Stover, Tarr, Woodrum, Brown, Jeffries, Romano, Stollings, and Woelfel.

EDUCATION

Senators Rucker (*Chair*), Roberts (*Vice Chair*), Azinger, Boley, Clements, Grady, Tarr, Trump, Weld, Beach, Geffert, Plymale, Romano, and Stollings.

ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Phillips (*Vice Chair*), Boley, Clements, Hamilton, Martin, Nelson, Swope, Sypolt, Brown, Caputo, Jeffries, and Romano.

ENROLLED BILLS

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

FINANCE

Senators Tarr (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Hamilton, Maroney, Martin, Nelson, Roberts, Swope, Takubo, Baldwin, Brown, Geffert, Jeffries, Plymale, and Stollings.

GOVERNMENT ORGANIZATION

Senators Maynard (*Chair*), Swope (*Vice Chair*), Maroney, Martin, Nelson, Smith, Stover, Sypolt, Woodrum, Brown, Caputo, Jeffries, Lindsay, and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Grady (*Vice Chair*), Azinger, Roberts, Rucker, Stover, Takubo, Weld, Woodrum, Geffert, Lindsay, Plymale, and Stollings.

INTERSTATE COOPERATION

Senators Woodrum (*Chair*), Stover (*Vice Chair*), Martin, Maynard, Trump, Brown, and Romano.

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Blair, Grady, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, and Woelfel.

MILITARY

Senators Weld (*Chair*), Phillips (*Vice Chair*), Grady, Hamilton, Maroney, Smith, Caputo, Lindsay, and Romano.

NATURAL RESOURCES

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Grady, Phillips, Roberts, Rucker, Smith, Sypolt, Woodrum, Beach, Jeffries, Stollings, and Woelfel.

PENSIONS

Senators Nelson (*Chair*), Clements (*Vice Chair*), Azinger, Swope, Trump, Lindsay, and Plymale.

SELECT COMMITTEE ON REDISTRICTING

Senators Trump (*Chair*), Sypolt (*Vice Chair*), Phillips, Swope, Tarr, Weld, Caputo, Jeffries, and Woelfel.

RULES

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Maroney, Tarr, Trump, Weld, Baldwin, Plymale, and Stollings.

TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Maynard, Roberts, Woodrum, Beach, Jeffries, and Plymale.

WORKFORCE

Senators Roberts (*Chair*), Nelson (*Vice Chair*), Maroney, Martin, Phillips, Smith, Tarr, Weld, Caputo, Geffert, and Jeffries.

Pending announcement of a meeting of a select committee of the Senate, and a majority party caucus,

On motion of Senator Takubo, at 12:13 p.m., the Senate recessed until 6 p.m. today.

The Senate reconvened at 6 p.m.

Pending announcement of a meeting of a select committee of the Senate,

On motion of Senator Takubo, at 6:01 p.m., the Senate recessed until five minutes after adjournment of the Select Committee on Redistricting meeting.

The Senate reconvened at 7:07 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the fifth order of business.

Senator Trump, from the Select Committee on Redistricting, submitted the following report, which was received:

Your Select Committee on Redistricting has had under consideration

Senate Bill 3033 (originating in the Select Committee on Redistricting)—A Bill to amend and reenact §1-2-3 of the Code of West Virginia, 1931, as amended, relating to the composition of congressional districts; and providing for congressional districts.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 3033) contained in the preceding report from the Select Committee on Redistricting was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Trump, from the Select Committee on Redistricting, submitted the following report, which was received:

Your Select Committee on Redistricting has had under consideration

Senate Bill 3034 (originating in the Select Committee on Redistricting)—A Bill to amend and reenact §1-2-1 and §1-2-2b of the Code of West Virginia, 1931, as amended, all relating to dividing and altering the state into senatorial districts; defining terms; setting forth legislative findings; providing for senatorial districts; clarifying constitutional residency dispersal provision; providing requirements for nomination, election, and appointment of senators; providing requirements for

filing certificate of candidacy for election from a multi-county senatorial district; providing for effect of redistricting on senators elected in 2018 and 2020 general elections and on senators appointed to fill vacancies; authorizing rulemaking; providing for precinct and magisterial district boundary changes and notice therefor; and making technical changes.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 3034) contained in the preceding report from the Select Committee on Redistricting was taken up for immediate consideration, read a first time, and ordered to second reading.

Following a point of inquiry to the President, with resultant response thereto,

On motion of Senator Takubo, at 7:11 p.m., the Senate adjourned until tomorrow, Tuesday, October 12, 2021, at 11 a.m.

SENATE CALENDAR

**Tuesday, October 12, 2021
11:00 AM**

SECOND READING

- S. B. 3001 - Making supplemental appropriation of federal funds to Bureau of Senior Services
- S. B. 3002 - Making supplemental appropriation of federal funds to DHS, Energy Assistance (original similar to HB304)
- S. B. 3003 - Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund (original similar to HB305)
- S. B. 3004 - Making supplemental appropriation of federal funds to Department of Agriculture (original similar to HB306)
- S. B. 3005 - Making supplemental appropriation of federal funds to Division of Culture and History (original similar to HB307)
- S. B. 3006 - Making supplemental appropriation of federal funds to Community Mental Health Services (original similar to HB308)
- S. B. 3007 - Making supplemental appropriation of federal funds to Consolidated Medical Service Fund (original similar to HB309)
- S. B. 3008 - Making supplemental appropriation of federal funds to Division of Health, Central Office Fund (original similar to HB310)
- S. B. 3009 - Making supplemental appropriation of federal funds to Division of Human Services (original similar to HB311)
- S. B. 3010 - Making supplemental appropriation of federal funds to Division of Health, Substance Abuse Prevention and Treatment (original similar to HB312)
- S. B. 3011 - Making supplemental appropriation of federal funds to Educational Broadcasting Authority
- S. B. 3012 - Making supplemental appropriation of federal funds to Library Commission (original similar to HB314)
- S. B. 3013 - Making supplemental appropriation of federal funds to Department of Veterans' Assistance (original similar to HB315)
- S. B. 3014 - Making supplemental appropriation of federal funds to Department of Veterans' Assistance, Veterans' Home (original similar to HB316)
- S. B. 3015 - Making supplemental appropriation of federal funds to Commission for National and Community Service (original similar to HB317)
- S. B. 3016 - Making supplemental appropriation to Division of Culture and History (original similar to HB318)
- S. B. 3017 - Making supplemental appropriation to Department of Economic Development, Office of Secretary (original similar to HB319)

- S. B. 3018 - Making supplemental appropriation to State Department of Education (original similar to HB320)
- S. B. 3019 - Making supplemental appropriation to Governor's Office, Civil Contingent Fund (original similar to HB321)
- S. B. 3020 - Making supplemental appropriation to Division of Personnel (original similar to HB322)
- S. B. 3021 - Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund (original similar to HB325)
- S. B. 3022 - Making supplemental appropriation to DOT, Office of Administrative Hearings (original similar to HB324)
- S. B. 3023 - Making supplemental appropriation to DOT, Public Port Authority (original similar to HB323)
- S. B. 3024 - Supplementing and amending Title II, section 12, Budget Bill, for fiscal year ending June 30, 2022 (original similar to HB326)
- S. B. 3025 - Relating generally to WV ABLE Act (original similar to HB328)
- S. B. 3026 - Relating to review, approval, disapproval, or amendment of local boards of health rules by county commission or county board of education (original similar to HB331)
- S. B. 3027 - Establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers (original similar to HB330)
- S. B. 3028 - Relating to statutory salary of Director of Lottery Commission (original similar to HB332)
- S. B. 3029 - Creating Court Facilities Maintenance Fund (original similar to HB333)
- S. B. 3030 - Updating provisions establishing Intermediate Court of Appeals
- S. B. 3031 - Exempting sale of certain aircraft from consumers sales and service tax (original similar to HB329)
- S. B. 3032 - Relating to application fees for license to carry concealed deadly weapon (original similar to HB327)
- S. B. 3033 - Relating to composition of congressional districts
- S. B. 3034 - Dividing state into senatorial districts