

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
THIRD EXTRAORDINARY SESSION, 2021
SECOND DAY

Charleston, West Virginia, Tuesday, October 12, 2021

The Senate met at 11:02 a.m.

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

Prayer was offered by the Honorable Glenn D. Jeffries, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

Pending the reading of the Journal of Monday, October 11, 2021,

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

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)

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Forestry, Division of (Outdoor Heritage Conservation Fund) (§5B-2G-6)

Homeland Security, Department of (Community Corrections Act) (§62-11C-3)

Homeland Security, Department of (Justice Reinvestment Initiative) (§62-15-6a)

Homeland Security, Department of (Law-Enforcement Professional Standards Subcommittee/Program) (§30-29-3)

Housing Development Fund (Audited Financial Statements) (§31-18-24)

Jobs Investment Trust Board (Annual Investment Analyses) (§12-7-12)

Legislative Claims Commission (Annual Report) (§14-2-25)

Legislative Claims Commission (Crime Victims Compensation Fund) (§14-2A-21)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Municipal Bond Commission (§13-3-15)

Occupational Therapy, Board of (§30-1-2)

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

Speech-Language Pathology and Audiology, Board of Examiners for (§30-1-12)

Tax Commissioner (Biennial Report) (§11-1-4)

Treasurer, Office of the State (Debt Position Quarterly Report) (§12-6A-6)

Treasury Investments, Board of (Audited Financial Statements) (§12-6C-15)

The Senate proceeded to the ninth order of business.

Senate Bill 3001, Making supplemental appropriation of federal funds to Bureau of Senior Services.

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

Senate Bill 3002, Making supplemental appropriation of federal funds to DHS, Energy Assistance.

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

Senate Bill 3003, Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund.

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

Senate Bill 3004, Making supplemental appropriation of federal funds to Department of Agriculture.

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

Senate Bill 3005, Making supplemental appropriation of federal funds to Division of Culture and History.

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

Senate Bill 3006, Making supplemental appropriation of federal funds to Community Mental Health Services.

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

Senate Bill 3007, Making supplemental appropriation of federal funds to Consolidated Medical Service Fund.

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

Senate Bill 3008, Making supplemental appropriation of federal funds to Division of Health, Central Office Fund.

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

Senate Bill 3009, Making supplemental appropriation of federal funds to Division of Human Services.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 3010, Making supplemental appropriation of federal funds to Division of Health, Substance Abuse Prevention and Treatment.

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

Senate Bill 3011, Making supplemental appropriation of federal funds to Educational Broadcasting Authority.

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

Senate Bill 3012, Making supplemental appropriation of federal funds to Library Commission.

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

Senate Bill 3013, Making supplemental appropriation of federal funds to Department of Veterans' Assistance.

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

Senate Bill 3014, Making supplemental appropriation of federal funds to Department of Veterans' Assistance, Veterans' Home.

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

Senate Bill 3015, Making supplemental appropriation of federal funds to Commission for National and Community Service.

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

Senate Bill 3016, Making supplemental appropriation to Division of Culture and History.

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

Senate Bill 3017, Making supplemental appropriation to Department of Economic Development, Office of Secretary.

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

Senate Bill 3018, Making supplemental appropriation to State Department of Education.

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

Senate Bill 3019, Making supplemental appropriation to Governor's Office, Civil Contingent Fund.

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

Senate Bill 3020, Making supplemental appropriation to Division of Personnel.

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

Senate Bill 3021, Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund.

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

Senate Bill 3022, Making supplemental appropriation to DOT, Office of Administrative Hearings.

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

Senate Bill 3023, Making supplemental appropriation to DOT, Public Port Authority.

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

Senate Bill 3024, Supplementing and amending Title II, section 12, Budget Bill, for fiscal year ending June 30, 2022.

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

Senate Bill 3025, Relating generally to WV ABLE Act.

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

Senate Bill 3026, Relating to review, approval, disapproval, or amendment of local boards of health rules by county commission or county board of education.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on the Judiciary; and then to the Committee on Finance.

Senate Bill 3027, Establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers.

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

Senate Bill 3028, Relating to statutory salary of Director of Lottery Commission.

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

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

On page three, section two-a, lines forty-nine and fifty, by striking out the words "Director, Lottery Commission" and inserting in lieu thereof the words "Lottery Director";

On page three, section two-a, line sixty, after the words "enacted in 2020," by inserting the words "until the position held by the officer is vacated or until July 1, 2020.";

And,

On page three, section two-a, after line sixty-nine, by adding a new paragraph to read as follows:

"The amendment and reenactment of this section in the third extraordinary session of the Legislature, 2021, shall not operate to reduce the salary of any appointive state officer whose salary has been increased pursuant to this subsection since July 1, 2020."

The bill (S. B. 3028), as amended, was then ordered to engrossment and third reading.

Senate Bill 3029, Creating Court Facilities Maintenance Fund.

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

Senate Bill 3030, Updating provisions establishing Intermediate Court of Appeals.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 3031, Exempting sale of certain aircraft from consumers sales and service tax.

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

Senate Bill 3032, Relating to application fees for license to carry concealed deadly weapon.

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

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

On page nine, section four, line one hundred ninety-six, after the words "United States" by inserting a comma and the words "reserve, or National Guard,".

The bill (S. B. 3032), as amended, was then ordered to engrossment and third reading.

Senate Bill 3033, Relating to composition of congressional districts.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 3034, Dividing state into senatorial districts.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Caputo.

At the request of Senator Caputo, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of the Honorable Orphy Klempa, a former senator from the first district.

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

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

On motion of Senator Takubo, at 11:22 a.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 4:32 p.m., and, at the request of Senator Takubo, unanimous consent being granted, returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 3026, Relating to review, approval, disapproval, or amendment of local boards of health rules by county commission or county board of education.

And has amended same.

Now on second reading, having been referred to the Committee on the Judiciary in earlier proceedings today;

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

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

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

On motion of Senator Takubo, at 4:34 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 6:22 p.m. and resumed business under the fourth order.

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

Your Committee on Finance has had under consideration

Senate Bill 3026, Relating to review, approval, disapproval, or amendment of local boards of health rules by county commission or county board of education.

With amendments from the Committee on the Judiciary pending;

Now on second reading, having been referred to the Committee on Finance in earlier proceedings today;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 3026) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and with the right for further amendments to be considered on that reading.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

Senator Takubo then moved that the Senate adjourn until tomorrow, Wednesday, October 13, 2021, at 12 Noon.

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

The roll being taken, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Blair (Mr. President)—30.

The nays were: None.

Absent: Beach, Nelson, Romano, and Woodrum—4.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's motion had prevailed.

In accordance with the foregoing motion, at 6:27 p.m., the Senate adjourned until tomorrow, Wednesday, October 13, 2021, at 12 Noon.

SENATE CALENDAR

Wednesday, October 13, 2021
12:00 PM

THIRD READING

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

- Eng. S. B. 3017 - Making supplemental appropriation to Department of Economic Development, Office of Secretary (original similar to HB319)
- Eng. S. B. 3018 - Making supplemental appropriation to State Department of Education (original similar to HB320)
- Eng. S. B. 3019 - Making supplemental appropriation to Governor's Office, Civil Contingent Fund (original similar to HB321)
- Eng. S. B. 3020 - Making supplemental appropriation to Division of Personnel (original similar to HB322)
- Eng. S. B. 3021 - Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund (original similar to HB325)
- Eng. S. B. 3022 - Making supplemental appropriation to DOT, Office of Administrative Hearings (original similar to HB324)
- Eng. S. B. 3023 - Making supplemental appropriation to DOT, Public Port Authority (original similar to HB323)
- Eng. S. B. 3024 - Supplementing and amending Title II, section 12, Budget Bill, for fiscal year ending June 30, 2022 (original similar to HB326)
- Eng. 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 - (Amend. and title amend. pending) - (With right to amend) (original similar to HB331)
- Eng. S. B. 3027 - Establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers (original similar to HB330)
- Eng. S. B. 3028 - Relating to statutory salary of Director of Lottery Commission (original similar to HB332)
- Eng. S. B. 3029 - Creating Court Facilities Maintenance Fund (original similar to HB333)
- S. B. 3030 - Updating provisions establishing Intermediate Court of Appeals - (With right to amend).
- Eng. S. B. 3031 - Exempting sale of certain aircraft from consumers sales and service tax (original similar to HB329)
- Eng. 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 - (With right to amend)
- S. B. 3034 - Dividing state into senatorial districts - (With right to amend)