

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
FIFTIETH DAY

Charleston, West Virginia, Wednesday, March 31, 2021

The Senate met at 10:03 a.m.

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

Prayer was offered by Dave Lavender, Senate Assistant Doorkeeper, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Tuesday, March 30, 2021,

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

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2266—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2290, Initiating a State Employment First Policy to facilitate integrated employment of disabled persons.

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

Eng. House Bill 2493—A Bill to amend and reenact §11-6K-1 and §11-6K-3 of the Code of West Virginia, 1931, as amended, all generally relating to the assessment and valuation of industrial property and natural resource property; for assessments made on or after July 1, 2022, providing that the arithmetic means for annual production and average coal price to value coal properties shall be based upon the full calendar year immediately preceding the July 1st assessment date; providing that the Tax Commissioner shall utilize an average coal density of 1800 tons per acre foot, unless clear and convincing evidence is submitted by a tax payer establishing a lower density value; providing that density information reported on returns, due on or before May 1 of each year, shall be used to determine values for the immediately following July 1 assessments; providing that the Tax Commissioner shall take into consideration economic viability and engineering considerations when establishing values for coal properties; providing that coal beds which are of a thickness of less than thirty-five inches shall not be classified as mineable coal for valuation for property tax purposes unless there is clear and convincing evidence to the contrary; providing that no permitted coal seam may be classified for taxation as active until actual depletion of coal commences under a permit; providing that for any owner, operator, or producer which fails to make a return within the time required, any and all penalties imposed shall be equally and uniformly applied across all forms of industrial property and natural resources property; and specifying an effective date.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2581—A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-1C-10 of said code, to amend said code by adding thereto a new section, designated §11-1C-10a; and to amend and reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code, and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all generally relating to the valuation, assessment, review, and appellate rights of property owners regarding valuation, classification, and taxability of real estate and personal property taxation; providing for revised methodology to value property producing oil, natural gas, and natural gas liquids by the Tax Commissioner for property tax assessments; providing for methods, calculation requirements, and definitions, all used to determine fair market value, net proceeds, weighted average prices from regional markets, actual receipts, actual annual operating costs, a statewide capitalization rate, average industry production decline rates; a yield capitalization model for each property, and a discounted net cash flow series income; providing for reporting by the Tax Commissioner to the Joint Committee on Government and Finance by the Tax Commissioner of certain data, explanations, and methodologies; providing that residential property owners may not be required to furnish a formal appraisal to establish the value of their primary residence; providing that an assessor's review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of

administrative law judges and staff attorneys within the Office of Tax Appeals; providing for effective dates; and making technical changes.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2667—A Bill to amend and reenact §5A-3B-2 and §5B-2F-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §5B-2F-3, §5B-2F-4, and §5B-2F-5; all relating to promoting cost savings for state taxpayers by implementing an energy savings program for assessment and implementation of energy savings goals for state buildings; requiring energy-savings contracts to include provisions relating to energy cost savings guarantees and deficiency payments; providing for the auditing and potential removal of energy metering devices installed at state buildings; establishing an energy savings program and contracting program within Division of Energy for state buildings; and establishing benchmarking and energy efficiency goals for state buildings.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2720—A Bill to repeal §17-2A-24 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §5F-2-8; all relating to establishing a merit-based system for personnel administration for the agencies, authorities, boards, and commissions within the Department of Transportation; authorizing the Secretary of Transportation to establish a merit-based system; preserving existing due process protections in state law; requiring compliance with state law regarding nepotism, favoritism, discrimination, and ethics in the employment process; prohibiting actions with a negative effect on federal funding; requiring inter-agency cooperation; authorizing rule-making; setting an implementation date; and removing duplicative functions within the agency.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

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 2768—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 2021, organization 0803, for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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. Com. Sub. for House Bill 2769—A Bill supplementing, amending, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2021, organization 0802, for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

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 2790—A Bill supplementing, amending, decreasing, and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2021, organization 0803, for the fiscal year ending June 30, 2021.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2021, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2915—A Bill to amend and reenact §5A-8-15 of the Code of West Virginia, 1931, as amended, relating to public records management and preservation; to increase available funds in the Public Records and Preservation Revenue Account to administer a system of records management and preservation for county governments and for grants to counties for records management, access, and preservation purposes.

At the request of Senator Takubo, and by unanimous consent, the bill was taken up for immediate consideration and reference to a committee dispensed with.

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

Eng. House Bill 3082—A Bill to amend and reenact §22-5-2 and §22-5-4 of the Code of West Virginia, 1931, as amended, relating to air pollution control; providing the West Virginia Department of Environmental Protection, Division of Air Quality, the authority to invest and reinvest funds held in the Air Pollution Control Fund and the Air Pollution Education and Environment Fund and to receive interest thereon from lawful investments of public funds to offset decreasing permit fee collections; providing that at the end of each fiscal year, unexpended balances, including accrued interest, shall not be transferred to the General Revenue Fund, but remain in the two funds for expenditure by the West Virginia Department of Environmental Protection, Division of Air Quality, in furtherance of its mission; and updating code language.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 3106—A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to bail; increasing the time for a secured bond hearing to 5 days; and allowing for release of a defendant on a personal recognizance bond if the hearing is not held unless the defendant is charged with a crime against the person.

Referred to the Committee on the Judiciary.

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 3298—A Bill supplementing and amending Chapter eleven , Acts of the Legislature, Regular Session, 2020, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307; the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2021, organization 0402 and the Bureau of Senior Services, Bureau of Senior Services, fund 0420, fiscal year 2021, organization 0508; and to Executive, Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100 by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; therefore

Referred to the Committee on Finance.

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

Eng. House Bill 3304—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8 and §25-8-9, all relating to establishing a Reentry and Transitional Housing Programs, providing reentry and transitional service centers for the delivery of reentry residences and programs for criminal offenders; providing the purpose and legislative findings; authorizing the commissioner of the Division of Corrections and Rehabilitation to establish the program; defining terms; providing eligibility criteria for offenders to participate in the program; authorizes the commissioner to promulgate legislative rules; placing conditions and limitations on eligibility for referrals to the programs and exceptions thereto; providing criteria for the division to develop policies and procedures providing for reporting, performance review and recommendations to assess and improve the program; providing for financial costs to be held by the state for the cost of the program, and placing limitations thereto; to administer the program; offering transitional programs to provide structured release and proper supervision, providing for and partnering with private and nonprofit facilities to provide transitional services.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

Executive Communications

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



Jim Justice
Governor of West Virginia

March 30, 2021

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Four Hundred Sixty-Nine (469), which was presented to me on March 24, 2021.

You will note that I have approved this bill on March 30, 2021.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

March 30, 2021

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

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

Committee Substitute for House Bill No. Two Thousand Nine (2009), which was presented to me on March 24, 2021.

Committee Substitute for House Bill No. Two Thousand Three Hundred Seventy-Two (2372), which was presented to me on March 24, 2021.

Committee Substitute for House Bill No. Two Thousand Six Hundred Sixteen (2616), which was presented to me on March 24, 2021.

Committee Substitute for House Bill No. Two Thousand Six Hundred Eighty-Two (2682), which was presented to me on March 24, 2021.

House Bill No. Two Thousand Seven Hundred Nine (2709), which was presented to me on March 24, 2021.

House Bill No. Two Thousand Seven Hundred Sixty-Four (2764), which was presented to me on March 24, 2021.

You will note that I have approved these bills on March 30, 2021.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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 30th day of March, 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:

(Com. Sub. for H. B. 2797), Declaring certain claims to be moral obligations of the State.

(H. B. 2854), Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System.

(Com. Sub. for H. B. 2855), Relating to the Natural Resources Police Officers Retirement System.

And,

(H. B. 2905), Relating to repealing the prohibition against the use of certain words.

Respectfully submitted,

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

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 30, William Gregory "Greg" White, PE, Memorial Bridge.

Senate Concurrent Resolution 42, Firefighter Marvin Layton Hughes Memorial Bridge.

Senate Concurrent Resolution 46, Stanley W. and Evelyn C. See Memorial Bridge.

And,

House Concurrent Resolution 13, TEC 5 U. S. Army Donald "Tiny" Lucas Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (S. C. R. 30, 42, and 46 and H. C. R. 13) contained in the preceding report from the Committee on

Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 43, US Army PVT Joseph Stanley McKinney Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 43 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the “U.S. Army PFC Joseph Stanley McKinney Memorial Bridge”.

Whereas, Joseph Stanley McKinney was born July 20, 1947, in Herndon, Wyoming County, West Virginia; and

Whereas, Joseph Stanley McKinney graduated from Herndon High School in 1966; and

Whereas, Joseph Stanley McKinney entered the U.S. Army during the Vietnam War as a member of the 4th Infantry Division, 3rd Battalion, 12th Infantry, C Company; and

Whereas, PFC Joseph Stanley McKinney began his tour on November 8, 1967, with a Light Weapons Infantry specialty; and

Whereas, PFC Joseph Stanley McKinney was killed due to hostile action on January 23, 1968, in the Kontum Province of Vietnam during the Tet Offensive; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Joseph Stanley McKinney and his ultimate sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge at coordinates 37.501667, -81.336111, carrying WV 10 over Noseman Branch in Wyoming County, the “U.S. Army PFC Joseph Stanley McKinney Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Joseph Stanley McKinney Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

And,

Senate Concurrent Resolution 50, USMC SGT MAJ Herman H. Brawner and Fayma Brawner Memorial Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 50 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fk Rv. & CR 10/10 in Upshur County, the “U.S.M.C. SGT MAJ Herman H. Brawner Memorial Bridge”.

Whereas, Herman H. Brawner was enlisted in the United States Marine Corps at the age of 17 during WWII, fighting in the Pacific Theater for the duration of the war; and

Whereas, He went on to have a 30-year military career. SGT MAJ Herman H. Brawner fought in combat in three wars: WWII, Korea, and Vietnam, serving two tours in Vietnam; and

Whereas, During the Korean War, SGT MAJ Herman H. Brawner and his fellow Marines dug in for an extremely bloody battle on the shore of the Chosin Reservoir with Red Chinese soldiers, in temperatures that dropped as low as 35 degrees below zero, using sandbags and frozen bodies for protection because it was too cold to dig foxholes, for which he and his fellow troops were dubbed the “Frozen Chosin”; and

Whereas, One of SGT MAJ Herman H. Brawner’s tours in Vietnam included an urban battle in the City of Hue, where he led out-numbered Marines into the besieged city, but still managed to kill nearly three times as many Communist North Vietnamese, and helped raise an American flag on Hue’s provincial headquarters. Brawner’s notebook showed that the Marine battalion, which he led, suffered some 250 casualties in battle with many more wounded in what is considered by many the bloodiest battle of the Vietnam War; and

Whereas, During his career, SGT MAJ Herman H. Brawner was wounded multiple times, earning numerous service awards including a Purple Heart with two gold stars, an Asiatic-Pacific Campaign Medal with two stars, an American Campaign Medal, a Combat Action Ribbon with a Bronze Star and “V” for Valor, a Republic of Korea Presidential Unit Citation with two stars, a United Nations Service Medal, two Republic of Vietnam Gallantry Cross Medals, one with a Silver Star and one with a Palm Ribbon, a Vietnam Campaign Medal with 1960 Device, plus a good conduct medal with many other citations and awards; and

Whereas, SGT MAJ Herman H. Brawner also received recognition with a special Navy Commendation Medal including a combat “V” for Valor during WWII; and

Whereas, SGT MAJ Herman H. Brawner retired as the head Noncom Military Police Marine in South East Asia overseeing U.S. Embassy security in five countries and, upon his retirement, finished his work career with Louisiana Pacific Lumber; and

Whereas, SGT MAJ Herman H. Brawner and his wife, Fayma, chose West Virginia following his retirement, where he spent the remainder of his life on his farm in Upshur County, providing counsel and help to all who knew him; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C SGT MAJ Herman H. Brawner for his service to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 49-033/00-015.38 (EB-WB) (49A122-49A123), locally known as MIDDLE FK CON I BM, carrying APD 33 over Middle Fk Rv. & CR 10/10 in Upshur County, the "U.S.M.C. SGT MAJ Herman H. Brawner Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S.M.C. SGT MAJ Herman H. Brawner Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to SGT MAJ Herman H. Brawner's widow, Fayma Brawner.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. 43 and 50) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

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

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution 57 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study electronic database publication of legal notices in lieu of newspaper publication.

Whereas, Electronic publication of legal notices and advertisements is efficient, cost-effective, and will likely save significant money for the State of West Virginia, its agencies, and its political subdivisions; and

Whereas, A substantial number of West Virginians lack broadband Internet service; and

Whereas, The inability to access electronic legal notices and advertisements may result in adverse legal consequences to West Virginia citizens; and

Whereas, Discontinuing print publication of legal notices and advertisements will result in significant loss of revenues for newspapers across the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study electronic database publication of legal notices in lieu of newspaper publication; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Maynard, unanimous consent being granted, the resolution (S. C. R. 57) contained in the foregoing report from the Committee on Government Organization was then referred to the Committee on Rules.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 2028, Exempting veterinarians from the requirements of controlled substance monitoring.

Eng. Com. Sub. for House Bill 2877, Expand direct health care agreements beyond primary care to include more medical care services.

And,

Eng. House Bill 3045, Relating to firefighter disability claims.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Government Organization has had under consideration

Eng. House Bill 2366, Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note.

Eng. House Bill 2957, Relating to the repeal of outdated code sections.

And,

Eng. House Bill 2958, Relating to repealing outdated sections of state code.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2427, Authorizing the Department of Health and Human Resources to promulgate legislative rules.

And has amended same.

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

Respectfully submitted,

Charles S. Stump IV,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2529, Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2785, Relating to public school enrollment for students from out of state.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2633, Creating the 2021 Farm Bill.

And has amended same.

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

Respectfully submitted,

Charles S Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2694, Create the 2nd Amendment Preservation Act.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2763, Creating WV Cyber Incident Reporting.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2916, Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill 2765, Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Education has had under consideration

Eng. House Bill 2791, Relating to enrollment and costs of homeschooled or private school students at vocational schools.

And,

Eng. House Bill 2906, Relating to the School Building Authority's allocation of money.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

House Concurrent Resolution 15, Rare Disease Day.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

House Concurrent Resolution 35, Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system.

And has amended same.

And reports the same back with the recommendation that it be adopted, as amended.

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

Senator Sypolt offered the following resolution:

Senate Resolution 33—Recognizing senior center personnel as essential workers and commending them for their dedicated public service through the COVID-19 pandemic.

Whereas, Senior citizens are 20.5 percent of the population of West Virginia; and

Whereas, The worldwide coronavirus pandemic inflicts its most deadly threat on senior citizens and has prompted measures to help senior citizens to remain safer at home; and

Whereas, Multi-purpose senior centers, the community focal point for comprehensive in-home and community-based services, information, and advocacy, restructured a normally high-touch service model to safely address the surge of dramatically increased demand; and

Whereas, Senior centers prepare and deliver 2,500,000 nutritious meals proven to maintain health, improve independent living, and reduce health care costs; and

Whereas, Senior centers provide safe, reliable transportation proven to improve access to food, shelter, medical care, and life-sustaining treatments; and

Whereas, Senior centers provide 3,574,994 hours of personal care assistance proven to improve independent living in safe and healthy homes; and

Whereas, Senior centers make weekly telephone calls and/or home visits to assess the well-being of the thousands of West Virginia seniors; and

Whereas, Senior centers employ a trained workforce of more than 3,000 dedicated adults who diligently devote their days to serve and protect our most vulnerable elderly; and

Whereas, Senior center employees have faithfully performed their jobs each day, doing their very best to assist seniors throughout the COVID-19 pandemic; and

Whereas, Senior center employees are essential to the daily health and well-being of our treasured senior citizens; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes senior center personnel as essential workers and commending them for their dedicated public service through the COVID-19 pandemic; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to senior center employees for their commitment to senior citizens in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of senior centers throughout West Virginia.

Which, under the rules, lies over one day.

Senators Plymale, Woelfel, Stollings, and Phillips offered the following resolution:

Senate Resolution 34—Recognizing Coalfield Health Center’s contributions to rural health care.

Whereas, Coalfield Health Center was founded as a rural, nonprofit health center in 2009 in Chapmanville, West Virginia; and

Whereas, Coalfield Health Center is committed to ensuring all residents receive quality health care, regardless of income, insurance, or residency; and

Whereas, Coalfield Health Center offers primary health care with dignity and respect to one of the communities with the worst health outcomes in the nation; and

Whereas, Coalfield Health Center has served not only as a primary health center, but also as an educational, research, and community outreach hub for more than 10 years; and

Whereas, Coalfield Health Center works closely with the Joan C. Edwards School of Medicine and Center for Rural Health at Marshall University, which is likewise committed to rural health access; and

Whereas, The executive director, providers, and staff of Coalfield Health Center are uniquely committed to the mission of quality rural health care services and the community Board of Directors provides excellent governance and oversight to the center; and

Whereas, The National Rural Health Association selected Coalfield Health Center as the Outstanding Rural Health Organization in the nation for 2021; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Coalfield Health Center's contributions to rural health care; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to Coalfield Health Center for its outstanding contributions to rural health care and dedication to providing care for all residents without barriers; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Coalfield Health Center.

Which, under the rules, lies over one day.

Senators Nelson, Caputo, Hamilton, Jeffries, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, and Sypolt offered the following resolution:

Senate Resolution 35—Recognizing clean energy's importance to West Virginia's energy future.

Whereas, West Virginia has a rich history cultivating domestic energy; and

Whereas, West Virginia can continue to expand in-state energy production by taking advantage of opportunities in clean energy, thereby expanding and diversifying our economic base; and

Whereas, Clean energy, including generation from renewable sources such as wind, solar, and hydro sources as well as nuclear, clean coal technology, natural gas, and energy storage, is part of our state's energy future; and

Whereas, West Virginia can invest in our energy infrastructure to include affordable, efficient battery storage technologies, and clean coal technology; and

Whereas, Over 10,000 clean energy jobs were here in West Virginia by the end of 2019; and

Whereas, Growing our clean energy workforce will also help grow employment and economic opportunities elsewhere in our state; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes clean energy's importance to West Virginia's energy future; and, be it

Further Resolved, That the Senate recognizes the value of clean energy, including abundant job opportunities, economic growth, energy independence, consumer choice, lower energy prices, and a cleaner environment; and, be it

Further Resolved, That clean energy—including generation from renewable sources such as wind, solar, and hydro power as well as nuclear, clean coal technology, natural gas, and energy storage—plays an important role in West Virginia's diverse energy portfolio; and, be it

Further Resolved, That investing in an all-of-the-above energy approach to in-state production and development can help build a stronger, more diversified, and more resilient economy in the Mountain State.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 56, Requesting study on costs of inmate incarceration paid by municipalities.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization; and then to the Committee on Rules.

Senate Resolution 32, Congratulating George Washington High School Patriots boys' soccer team.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 32) adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 231, Relating generally to medical cannabis.

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

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

The nays were: Azinger, Boley, Martin, Maynard, and Tarr—5.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 231) passed with its title.

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

Eng. Com. Sub. for Senate Bill 302, Prohibiting gender-based price discrimination.

On third 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 Rules.

Eng. Com. Sub. for Com. Sub. for Senate Bill 335, Relating to WV Invests Grant Program for students at accredited community and technical college.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 335) passed.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 335—A Bill to amend and reenact §18C-9-3, §18C-9-4, and §18C-9-5 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Invests Grant Program; defining terms; modifying the eligible costs for which the grants may be used; providing program fees must be approved by Council for Community and Technical College Education; and revising requirement for drug testing as a condition of West Virginia Invests Grant eligibility.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 335) takes effect July 1, 2021.

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

Eng. Senate Bill 424, Creating fixed income credit for low-income senior citizens.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 424) passed with its title.

Senator Takubo moved that the bill take effect January 1, 2022.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 424) takes effect January 1, 2022.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 464, Requiring composting of organic materials and commercial composting products comply with WV Fertilizer Law.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 464) passed with its title.

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

Eng. Com. Sub. for Senate Bill 485, Relating to use or presentation of firearm during commission of felony.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 485) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 542, Relating generally to public electric utilities and facilities fuel supply for existing coal-fired plants.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 542) passed with its title.

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

Eng. Com. Sub. for Senate Bill 550, Providing counties with authority to impose county sales and use tax of up to one percent under certain circumstances.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 550 pass?”

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Azinger, Karnes, Martin, Maynard, and Rucker—5.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 550) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Azinger, Karnes, Martin, Maynard, and Rucker—5.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 550) takes effect July 1, 2021.

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

Eng. Com. Sub. for Senate Bill 613, Adding classification and base salaries of certain civilian employees of State Police Forensic Laboratory.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

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

Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) takes effect July 1, 2021.

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

Eng. Com. Sub. for Senate Bill 622, Increasing compensation for elected county officials.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 622 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Karnes and Sypolt—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 622) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Karnes and Sypolt—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 622) takes effect July 1, 2021.

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

At the request of Senator Woelfel, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Com. Sub. for Senate Bill 635, Requiring State Fire Commission propose rules for sprinkler protection in basements of certain buildings.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 30, 2021, for amendments to be received on third reading, was reported by the Clerk.

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

On page three, section five, lines forty-six through fifty-six, by striking out all of subsection (h) and inserting in lieu thereof a new subsection, designated subsection (h), to read as follows:

(h) The State Fire Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code relating to sprinkler protection, specifically providing that buildings commencing construction after July 1, 2021, housing emergency fire, rescue, or ambulance services shall be protected throughout by approved automatic sprinkler systems: *Provided*, That emergency services buildings that house only equipment and do not have designated sleeping areas or quarters within them, regardless when constructed or commencing construction, are exempt from this requirement.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 635 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, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 635) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 635) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 642, Requiring legal advertisements by State Auditor be posted to central website.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 642) passed with its title.

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

Eng. Senate Bill 661, Permitting retailers to assume sales or use tax assessed on tangible personal property.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 661) passed.

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

Eng. Senate Bill 661—A Bill to repeal §11-9-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3, §11-15-4, §11-15-4a, §11-15-4b, and §11-15-13 of said code; and to amend and reenact §11-15A-5, §11-15A-6, and §11-15A-8 of said code, all

relating to permitting retailers to assume or absorb any sales or use tax assessed on tangible personal property; and eliminating criminal penalties.

Senator Takubo moved that the bill take effect July 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 661) takes effect July 1, 2021.

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

Eng. Com. Sub. for Senate Bill 663, Providing fee for processing of criminal bonds.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 663) passed with its title.

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

Eng. Com. Sub. for Senate Bill 677, Relating generally to miners' safety, health, and training standards.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 677) passed with its title.

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

Com. Sub. for Senate Bill 695, Providing procedures for decreasing or increasing corporate limits by annexation.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 30, 2021, for amendments to be received on third reading, was reported by the Clerk.

There being no amendments offered,

The bill was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 695 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, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 695) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 695) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 702, Relating to involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 702) passed with its title.

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

Eng. Com. Sub. for Senate Bill 711, Relating to school aid formula and minimum student enrollment.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 711) passed with its title.

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

Eng. Senate Bill 717, Supplemental appropriation from General Revenue to WV Community and Technical College Education, Control Account.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 717) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 717) takes effect from passage.

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

Eng. Senate Bill 718, Relating generally to Coal Severance Tax Rebate.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 718 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 718) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 718) 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 Takubo, and by unanimous consent, the Senate returned to the sixth order of business, which agenda includes the making of main motions.

At the further request of Senator Takubo, unanimous consent being granted, the Senate requested the return from the House of Delegates of

Eng. Com. Sub. for House Bill 2260, Relating to procurement of child placing services.

Passed by the Senate on yesterday, Tuesday, March 30, 2021; for the purpose of subsequently moving to make the bill effective from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence as to the recall of Engrossed Committee Substitute for House Bill 2260.

The Senate again proceeded to the eighth order of business, the next resolution coming up in numerical sequence being

Com. Sub. for Com. Sub. for Senate Joint Resolution 1, Protection of the Right to Bear Arms Amendment.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 30, 2021, for amendments to be received on third reading, was reported by the Clerk.

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

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 22, article III thereof, be amended to read as follows:

ARTICLE III. BILL OF RIGHTS.

§22. Right to keep and bear arms.

A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreational use.

A county or municipality of this state may not adopt any ordinance, act, resolution, or rule, that is contrary to or more restrictive than state law governing the sale, transfer, possession, use, storage, taxation, registration, licensing, or carrying of firearms, ammunition, or firearm accessories.

Resolved further, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Protection of the Right to Bear Arms Amendment” and the purpose of the proposed amendment is summarized as follows: “To amend the State Constitution to prohibit counties and municipalities of the state from regulating firearms, ammunition, and firearms accessories more restrictively than state law.”

There being no further amendments offered,

The resolution, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 1 was then read a third time and put upon its adoption.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 1 be adopted?”

On the adoption of the resolution, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Ihlenfeld—1.

Absent: None.

On motion of Senator Trump, the following amendment to the title of the resolution was reported by the Clerk and adopted:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting county or municipal governments from enacting ordinances, acts, resolutions, or rules that are contrary to, or more restrictive than, state law governing the sale, transfer, possession, use, storage, taxation, registration, licensing, or carrying of firearms, ammunition, or firearm accessories; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 1) adopted, as follows:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting county or municipal governments from enacting ordinances, acts, resolutions, or rules that are contrary to, or more restrictive than, state law governing the sale, transfer, possession, use, storage, taxation, registration, licensing, or carrying of firearms, ammunition, or firearm accessories; numbering and designating such proposed

amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 22, article III thereof, be amended to read as follows:

ARTICLE III. BILL OF RIGHTS.

§22. Right to Keep and Bear Arms.

A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreational use.

A county or municipality of this state may not adopt any ordinance, act, resolution, or rule, that is contrary to or more restrictive than state law governing the sale, transfer, possession, use, storage, taxation, registration, licensing, or carrying of firearms, ammunition, or firearm accessories.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment No. 1" and designated as the "Protection of the Right to Bear Arms Amendment" and the purpose of the proposed amendment is summarized as follows: "To amend the State Constitution to prohibit counties and municipalities of the state from regulating firearms, ammunition, and firearm accessories more restrictively than state law."

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

Com. Sub. for Senate Joint Resolution 7, Motor Vehicle and Other Personal Property Tax Reduction Amendment.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 30, 2021, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

Eng. Com. Sub. for Senate Joint Resolution 9, Disabled Veterans' Exemption from Ad Valorem Property Taxation Amendment.

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

On the adoption of the resolution, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard,

Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. 9) adopted, as follows:

Eng. Com. Sub. for Senate Joint Resolution 9—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section one-b, article X thereof, be amended to read as follows:

ARTICLE X. TAXATION AND FINANCE.

§1b. Property tax limitation and homestead exemption. ~~amendment of 1982~~

Ad valorem property taxation shall be in accordance with this section and other applicable provisions of this article not inconsistent with this section.

Subsection A—Value; Rate of Assessment; Exceptions.

Notwithstanding any other provisions of this Constitution and except as otherwise provided in this section, all property subject to ad valorem taxation shall be assessed at 60 percent of its value, as directed to be ascertained in this section, except that the Legislature may from time to time, by general law agreed to by two thirds of the members elected to each house, establish a higher percentage for the purposes of this paragraph, which percentage shall be uniform as to all classes of property defined in section one of this article, but not more than 100 percent of such value.

Notwithstanding the foregoing, for July 1, 1982, and July 1 of each year thereafter until the values may be fixed as a result of the first statewide reappraisal hereinafter required, assessments shall be made under the provisions of current statutory law, which is hereby validated for such purpose until and unless amended by the Legislature. Assessment and taxation in accord with this section shall be deemed to be equal and uniform for all purposes.

Subsection B—Determination of Value.

The Legislature shall provide by general law for periodic statewide reappraisal of all property, which reappraisal shall be related for all property to a specified base year which, as to each such reappraisal, shall be uniform for each appraisal for all classes of property and all counties. In such law, the Legislature shall provide for consideration of: (1) Trends in market values over a fixed period of years prior to the base year, (2) the location of the property, and (3) such other factors and methods as it may determine: *Provided*, That with respect to reappraisal of all property upon the base year of 1980, such reappraisals are deemed to be valid and in compliance with this section: *Provided, however*, That with respect to farm property, as defined from time to time by the Legislature by general law, the determination of value shall be according to its fair and reasonable value for farming purposes, as may be defined by general law.

The results of each statewide appraisal shall upon completion be certified and published and errors therein may be corrected, all as provided by general law. The first such statewide appraisal shall be completed, certified, and published on or before March 1, 1985, for use when directed by the Legislature.

The Legislature shall further prescribe by general law the manner in which each statewide reappraisal shall be employed to establish the value of the various separately assessed parcels or interests in parcels of real property and various items of personal property subject to ad valorem property taxation, the methods by which increases and reductions in value subsequent to the base year of each statewide reappraisal shall be ascertained, and require the enforcement thereof.

Subsection C—General Homestead Exemption.

Notwithstanding any other provisions of this Constitution to the contrary, the first \$20,000 of assessed valuation of any real property, or of personal property in the form of a mobile home, used exclusively for residential purposes and occupied by the owner, or one of the owners thereof, as his or her residence who is a citizen of this state and who is 65 years of age or older, or is permanently and totally disabled as that term may be defined by the Legislature, shall be exempt from ad valorem property taxation, subject to such requirements, limitations, and conditions as shall be prescribed by general law: *Provided, That the Legislature may, by general law, exempt such additional amounts up to the entire assessed value of real property or personal property in the form of a mobile home used exclusively for residential purposes and occupied by an owner thereof from ad valorem taxation where the owner or partial owner is a veteran of the United States military and has been determined by the United States Department of Veterans Affairs or its successor to have a 100 percent service connected disability.* Notwithstanding any other provision of this Constitution to the contrary, the Legislature shall have the authority to provide by general law for an exemption from ad valorem property taxation in an amount not to exceed the first \$20,000 of value of any real property, or of personal property in the form of a mobile home, used exclusively for residential purposes and occupied by the owner, or one of the owners thereof, as his or her residence who is a citizen of this state, and who is under 65 years of age and not totally and permanently disabled: *Provided, however*, That upon enactment of such general law, this exemption shall only apply to such property in any county in which the property was appraised at its value as of January 1, 1980, or thereafter, as determined by the Legislature, and this exemption shall be phased in over such period of time not to exceed five years from the date such property was so appraised, or such longer time as the Legislature may determine by general law: *Provided however further*, That in no event shall any one person and his or her spouse, or one homestead be entitled to more than one exemption under these provisions: *And provided further*, That these provisions are subject to such requirements, limitations, and conditions as shall be prescribed by general law.

The Legislature shall have the authority to provide by general law for property tax relief to citizens of this state who are tenants of residential or farm property.

Subsection D—Additional Limitations on Value.

With respect to the first statewide reappraisal, pursuant to this section, the resulting increase in value in each and every parcel of land or interest therein and various items of personal property subject to ad valorem property taxation over and above the previously assessed value shall be allocated over a period of 10 years in equal amounts annually.

The Legislature may by general law also provide for the phasing in of any subsequent statewide reappraisal of property.

Subsection E—Levies for Free Schools.

In equalizing the support of free schools provided by state and local taxes, the Legislature may require that the local school districts levy all or any portion of the maximum levies allowed under section one of this article which has been allocated to such local school districts.

Within the limits of the maximum levies permitted for excess levies for schools or better schools in sections one and 10 of this article, the Legislature may, in lieu of the exercise of such powers by the local school districts as heretofore provided, submit to the voters, by general law, a statewide excess levy, and if it be approved by the required number of voters, impose such levy, subject however to all the limitations and requirements for the approval of such levies as in the case of a district levy. The law submitting the question to the voters shall provide, upon approval of the levy by the voters, for the assumption of the obligation of any local excess levies for schools then in force theretofore authorized by the voters of a local taxing unit to the extent of such excess levies imposed by the state and so as to avoid double taxation of those local districts. The Legislature may also by general law reserve to the school districts such portions of the power to lay authorized excess levies as it may deem appropriate to enable local school districts to provide educational services which are not required to be furnished or supported by the state. If a statewide excess levy for the support of free schools is approved by the required majority, the revenue from such a statewide excess levy shall be deposited in the state treasury and be allocated first for the local obligations assumed and thereafter for such part of the state effort to support free schools, by appropriation or as the law submitting the levy to the voters shall require, as the case may be.

The defeat of any such proposed statewide excess levy for school purposes shall not in any way abrogate or impair any local existing excess levy for such purpose nor prevent the adoption of any future local excess levy for such purpose.

Subsection F—Implementation.

In the event of any inconsistency between any of the provisions of this section and other provisions of this Constitution, the provisions of this section shall prevail. The Legislature shall have plenary power to provide by general law for the equitable application of this article and, as to taxes to be assessed prior to the first statewide reappraisal, to make such laws retroactive to July 1, 1982, or thereafter.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment

No. 1” and designated as the “Disabled Veterans’ Exemption from Ad Valorem Property Taxation Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this amendment is to authorize the Legislature to exempt veterans who have a 100 percent service-connected disability from paying all or part of the ad valorem real property taxes levied against their personal residences.”

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

Eng. Com. Sub. for Senate Joint Resolution 10, Limiting the Terms of Members of the House of Delegates and Senate Amendment.

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

On the adoption of the resolution, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo and Stollings—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. 10) adopted, as follows:

Eng. Com. Sub. for Senate Joint Resolution 10—Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating generally to limiting the number of terms delegates and senators may serve; limiting delegates to six consecutive terms; limiting senators to three consecutive terms; establishing beginning date of limitation; declaring partial terms count as full terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section three, article VI thereof, be amended to read as follows:

ARTICLE VI. THE LEGISLATURE.

§3. Senators and delegates—Terms of office.

Senators shall be elected for the term of four years, and delegates for the term of two years. The senators first elected, shall divide themselves into two classes, one senator from every district being assigned to each class; and of these classes, the first to be designated by lot in such manner as the Senate may determine, shall hold their seats for two years and the second for four years, so that after the first election, one half of the senators shall be elected biennially. After

January 1, 2025, a person may not serve more than three consecutive terms as a senator or six consecutive terms as a delegate. Terms that begin prior to January 1, 2025, are not counted for purposes of this limitation, but a partial term served after January 1, 2025, shall be considered a term for purposes of this section.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Limiting the Terms of Members of the House of Delegates and Senate Amendment” and the purpose of the proposed amendment is summarized as follows: “To limit the number of ~~years~~ consecutive terms a member of the House of Delegates or Senate may serve.”

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

Eng. Com. Sub. for House Bill 2003, Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Tuesday, March 30, 2021, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Maynard, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

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

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

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-2. Definitions.

As used in this article:

(1) “Board” means the West Virginia Disaster Recovery Board created by this article;

(2) “Code” means the Code of West Virginia, 1931, as amended;

(3) “Community facilities” means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural, or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation, or other public calamity requiring emergency action;

(5) "Disaster recovery activities" means activities undertaken prior to, during, or following a disaster to provide, or to participate in the provision of, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(6) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

(7) "Essential business activities" means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or service determined by the authority to be necessary for recovery from a disaster;

(8) "Local organization for emergency services" means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function;

(9) "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

(10) "Person" means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

(11) "Political subdivision" means any county or municipal corporation in this state;

(12) "Recovery fund" means the West Virginia Disaster Recovery Trust Fund created by this article;

(13) "Residential housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(14) "State of emergency" means the duly proclaimed existence of conditions of disaster or other serious threat to the health or safety of persons and property within West Virginia, or a specific geographic area thereof, including but not limited to an attack upon the state or the United

States, a natural or man-made disaster of major proportions, a pandemic, or other large-scale threat beyond the capacity of local control.

(15) "State of preparedness" means the duly proclaimed authorization for:

(A) Specialized planning and preparation activities intended to minimize any anticipated impact of conditions of a state of emergency, as defined in this section, which, in the judgment of the Governor, are expected to commence within the next 30 days, or within a period of longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements; *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a "Class I state of preparedness"; or

(B) Specialized planning and preparation activities intended to minimize, by use of any available and appropriate federal or state governmental resources, any anticipated impact of or anticipated threats with respect to a planned or anticipated event of such large size or scope or both that it is beyond the capacity of local control, and which is scheduled to commence within the next 30 days, or longer if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a "Class II state of preparedness".

(16) "Secretary" means the Secretary of the West Virginia Department of ~~Military Affairs and Public Safety~~ Homeland Security; and

(17) "Temporary housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction, or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

§15-5-6. ~~Emergency powers of Proclamation of a state of emergency or state of preparedness by the Governor and or the Legislature; additional powers of the Governor during a state of emergency or state of preparedness.~~

(a) The Legislature finds that:

(1) The global coronavirus (COVID-19) pandemic of 2020, which is continuing at the time of the enactment of the amendments to this article in the regular session of the Legislature in 2021, has presented unprecedented challenges for the citizens of West Virginia, which have required response of the government of the State of West Virginia;

(2) Exercising the authority and power provided by the Act, the Governor of West Virginia has marshalled the resources of the state and the full authority and response of the government of West Virginia to address the COVID-19 pandemic;

(3) West Virginia has been recognized nationally for its success in many aspects of its response, including vaccination rates and lower infection rates than exist in many other states; and

(4) It is the intent of the Legislature to codify some of the decisions that have been made by the Governor of West Virginia during the current COVID-19 pandemic, protecting individual

liberties of the citizens of West Virginia, so that they have application to future states of preparedness or states of emergency in the State of West Virginia or any part thereof.

(b) The provisions of this section, and any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness: *Provided*, That nothing in this section may be construed to suspend or supersede any provision of the Constitution.

(c) The existence of a state of emergency or state of preparedness may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large-scale threat beyond local control conditions warranting the proclamation of a state of emergency, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require an invocation of the provisions of this section: *Provided*, That a gubernatorially proclaimed state of emergency expires after 60 days from issuance of the executive order, unless prior to the 60th day the Governor provides written notice to the President of the Senate, the Speaker of the House of Delegates and the Joint Committee on Government and Finance that in his or her opinion it is necessary to extend the state of emergency. If the Governor extends the state of emergency beyond 60 days, he or she shall thereafter, no less frequently than every 30 days, provide the President of the Senate, the Speaker of the House of Delegates and the Joint Committee on Government and Finance with a written statement of his or her reasons to believe that the conditions warrant any continuation of the state of emergency. The Governor shall provide a timely written response to any written inquiry from the President of the Senate, the Speaker of the House of Delegates or the Joint Committee on Government and Finance regarding the need for continuing the state of emergency and the facts supporting the continuation. A state of emergency, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency.

(b) Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than thirty days.

(d) The existence of a state of preparedness may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature, if the Governor in the proclamation or the Legislature in the resolution, finds that conditions warranting the proclamation of a state of preparedness, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require the invocation of the provisions of this section: *Provided*, That the Governor or the Legislature shall proclaim a state of preparedness as a "Class I state of preparedness" or a "Class II state of preparedness", as defined in this article by law: *Provided however*, That a gubernatorially proclaimed declared state of preparedness expires after 30 days unless, prior to the 30th day, following the issuance of the executive order the Governor provides written notice to the President of the Senate, the Speaker of the House of Delegates and the Joint Committee on Government and Finance that, in his or her opinion, it is necessary to extend the state of preparedness. If the Governor extends the state of preparedness beyond 30 days he or she shall thereafter, no less frequently than every 30 days, provide the President of the Senate, the Speaker of the House of Delegates and the Joint Committee on Government and Finance

with a written statement of his or her reasons to believe that the conditions warrant any continuation of the state of preparedness. The Governor shall provide a timely written response to any written inquiry from the President of the Senate, the Speaker of the House of Delegates or the Joint Committee on Government and Finance regarding the need for continuing the state of preparedness and the circumstances and facts supporting the continuation. A state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of preparedness.

(e) When a state of emergency follows a state of preparedness involving the same or substantially similar circumstances, the total time allotted for the duration of the two combined shall be no more than 90 days, unless the Governor follows the requirements for extending the state of emergency under subsection (c) of this section.

(f) Any proclamation or resolution issued under this section must include, in general terms:

(1) A description of the facts and circumstances warranting the proclamation or resolution; and

(2) A designation of the geographic area threatened:

Provided, That any proclamation or resolution shall be disseminated as soon as practicable to the media and any other means which are calculated to bring its contents to the attention of the general public: Provided however, That for a gubernatorial proclamation of a state of emergency or state of preparedness, the Governor shall provide a copy of the executive order to the President of the Senate, the Speaker of the House of Delegates and the Joint Committee on Government and Finance.

~~(e)~~ (g) So long as a Under a duly proclaimed state of emergency or state of preparedness exists, the Governor has and may exercise has the following additional emergency powers which are intended to be construed to authorize actions which are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state;

(2) To sell, lend, lease, give, or transfer property, to make purchases, or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for the property;

(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of §54-1-1 et seq. of this code, or seizure pending institution of condemnation proceedings within 30 days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for the procured property so procured shall be made in the manner provided in §54-1-1 et seq. of this code;

(4) To obtain the services of necessary personnel, required during the emergency or to prepare for the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her;

(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees;

(6) To control ingress and egress ~~to and from~~ into or out of a disaster area or ~~an area where large scale threat exists,~~ other area subject to a state of emergency or state of preparedness, as well as the movement of persons within the area and the occupancy of premises therein within the area;

(7) To suspend the provisions of any ~~regulatory~~ statute prescribing the procedures for the conduct of state business or the orders, or rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency or to prepare for the emergency;

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles: Provided, That explosives and combustibles do not include firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

(10) To make provision for the availability and use of temporary emergency housing; and

(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.

~~(d)~~ (e) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in §15-5-22 of this code, and the Statewide Mutual Aid Systems set forth in §15-5-28 of this code.

~~(e)~~ (h) The powers granted under this section do not authorize any action that would violate the prohibitions of §15-5-19a of this code.

(i) During any state of preparedness or state of emergency proclaimed at any time, an executive order of the Governor may not:

(1) Close churches or other houses of worship or prevent their operation in any manner that is more restrictive than the least restrictive rules in place for the operation of the most essential facilities of government or private enterprise;

(2) Suspend or limit the sale, lawful transfer, or transportation of firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies; or

(3) Interfere with or impair the operation of the news media.

(j) Unless expressly authorized by an executive order of the Governor, a municipal, county, or state health officer shall not take any enforcement action which is not authorized by statute under color of a duly proclaimed state of emergency or state of preparedness.

(k) Any suit filed challenging an executive order issued relating to a state of preparedness or emergency pursuant to the authority granted in this section shall be limited to a petition for prohibition or mandamus pursuant to Rule 16 of the Rules of the West Virginia Supreme Court of Appeals. The provisions of §55-17-3 of this code are not applicable to any suit filed challenging an executive order issued pursuant to this section.

(l) The amendments to this section and §15-5-2 of this code enacted during the 2021 regular session of the legislature are applicable to circumstances constituting a state of emergency or state of preparedness initially proclaimed after the effective date of the amendments. It is the express intention of the Legislature not to interfere with the executive branch's handling of the COVID-19 caused state of emergency originally proclaimed on March 16, 2020, and executive orders entered under the proclamation. *Provided*, That nothing in this subsection may be construed to limit the authority of the Governor as to the state of emergency caused by COVID-19 in effect as of April 1, 2021.

On motion of Senator Ihlenfeld, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2003) was reported by the Clerk:

On page ten, section six, lines one hundred forty-four through one hundred fifty-one, by striking out all of subsection (l) and inserting in lieu thereof a new subsection, designated subsection (l), to read as follows:

(l) The amendments to this section and §15-5-2 of this code enacted during the 2021 regular session of the legislature are effective upon passage and are applicable to circumstances constituting a state of emergency or state of preparedness currently in effect as well as any state of emergency or state of preparedness proclaimed after the effective date of the amendments.

Following discussion,

At the request of Senator Ihlenfeld, and by unanimous consent, Senator Ihlenfeld's amendment to the Judiciary committee amendment to the bill was withdrawn.

The question now being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2003), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2003 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Ihlenfeld—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2003) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Ihlenfeld—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2003) takes effect from passage.

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

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

A message from the Clerk of the House of Delegates announced that that body had acceded to the return of

Eng. Com. Sub. for House Bill 2260, Relating to procurement of child placing services.

Passed by the Senate on yesterday, Tuesday, March 30, 2021,

The bill now being in the possession of the Senate,

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2260) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2267, Establishing an optional bus operator in residence program for school districts.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2267) passed.

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

Eng. Com. Sub. for House Bill 2267—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15; and to amend said code by adding thereto a new section, designated §18A-4-15a; all relating to bus operators; allowing retired bus operators to provide service as substitute bus operators in an area of critical need and shortage subject to certain conditions; providing that such substitute bus operators are considered day-to-day, temporary, part-time employees; allowing such substitute bus operators to fill a vacant position without loss of retirement benefits in certain circumstances; requiring the county board to post a vacant position until it is filled with a regularly employed bus operator; requiring the state board to post a vacant position electronically and easily accessible to prospective employees; establishing an optional bus operator in residence program for school districts; requiring certain steps in an application; establishing no entitlement to employment upon completion of the program; establishing wages or salaries paid to persons completing the program; establishing employment requirements after completing the program; and not permitting seniority to accrue during completion of the program.

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

Eng. Com. Sub. for House Bill 2495, Relating to the filing of asbestos and silica claims.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2495) passed with its title.

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

Eng. Com. Sub. for House Bill 2499, Tax reduction for arms and ammo manufacturing.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2499) passed with its title.

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

Eng. House Bill 2808, Remove salt from list and definition of “mineral” for severance tax purposes.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2808) passed with its title.

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

Eng. House Bill 2852, Relating to distribution of the allowance for increased enrollment.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2852) passed.

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

Eng. House Bill 2852—A Bill to amend and reenact §18-9A-15 of the Code of West Virginia, 1931, as amended, relating to distribution of the allowance for increased enrollment; removing mandated distribution of 60 percent of allowance based on projected increased enrollment prior to September 1; authorizing advance at district request prior to availability of actual increased enrollment of partial distribution of up to 60 percent of school districts estimated share; providing for refund of excess distribution; and requiring notification of the Joint Committee on Government and Finance and the Legislative Oversight Commission on Education Accountability whenever an advanced partial distribution is made.

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

Eng. House Bill 3010, To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3010) passed with its title.

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

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2014, Relating to role of the Legislature in appropriating federal funds.

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

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

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

CHAPTER 4. THE LEGISLATURE.**ARTICLE 11. LEGISLATIVE APPROPRIATION OF FEDERAL FUNDS.****§4-11-1. Legislative findings and purpose.**

The Legislature finds and declares that in order to carry out its responsibility for the enactment of all appropriations needed for the operation of state government, the Legislature needs continuous and accurate accounts of the amounts and purposes of all federal funds being requested, received or expended by the various agencies and departments of the state. The Legislature further finds and declares that the increased availability of and reliance on federal financial assistance has a substantial impact upon the programs, priorities and fiscal affairs of the state. "It is the purpose of this article to clarify and specify the role of the Legislature in appropriating federal funds received by the state in all events, including public emergencies, and in prescribing, by general law, the required form and detail of the itemization and classification of proposed appropriations to assure that state purposes are served and legislative priorities are adhered to by the acceptance and use of such funds.

§4-11-2. Definitions.

As used in this article:

(1) "Federal funds" means any financial assistance made to a spending unit by the United States government, whether a loan, grant, block grant, subsidy, augmentation, reimbursement or any other form of such assistance, including "federal-matching funds";

(2) "Federal-matching funds" means federal funds of a specified amount or proportion for which a specified outlay of state contributions, including funds, property or services, are required as a condition for receipt or expenditure;

(3) "Spending unit" means the State of West Virginia and all agencies, offices, departments, divisions, boards, commissions, councils, committees or other entities of the state government for which an appropriation is requested or to which an appropriation is made by the Legislature. "Spending unit" does not mean any county, city, township, public service district or other political subdivision of the state; and

(4) "State-matching funds" means state contributions, including funds, property or services that are required by the federal government, by law or regulation, as a condition for receipt or expenditure of federal funds.

§4-11-3. Receipt of federal funds and required deposit in state treasury.

Unless contrary to federal law, all federal funds received by a spending unit shall be deposited in and credited to special fund accounts as provided by ~~section two, article two, chapter twelve~~ §12-2-2 of this code and shall be available for appropriation by the Legislature as part of the state budget in accordance with Article X of the Constitution of this state.

§4-11-4. Inclusion of federal funds in state budget and the budget bill.

Pursuant to ~~article one-a, chapter five~~ §5-1A-1 et seq., and ~~chapter five-a~~ §11B-2-1 et seq. of this code, the Governor shall itemize in the state budget and in the budget bill, on a line-item

basis, separately, for each spending unit, the amount and purpose of all federal funds received or anticipated for expenditure, with a reference to the account number, line item and amount of any state funds required for such purpose: *Provided*, That all federal ~~revenue sharing~~ block grant funds shall be so itemized in a separate section of the state budget and the budget bill devoted exclusively to proposed appropriations from the ~~revenue sharing trust fund~~ block grant funds.

§4-11-5. Legislative appropriation authority.

(a) No spending unit may make expenditures of any federal funds, whether such funds are advanced prior to expenditure or as reimbursement, unless such expenditures are made pursuant to specific appropriations by the Legislature, except as may be hereinafter provided.

(b) To the extent not precluded by the terms and conditions under which federal funds are made available to the spending unit by the United States government, the spending unit shall use federal funds in accordance with any purposes, policies or priorities the Legislature may have established for the activity being assisted or for the use of state, federal and other fiscal resources in a particular fiscal year.

(c) If the federal funds received by a spending unit for a specific purpose are greater than the amount of such funds contained in the appropriation by the Legislature for such purpose, the total appropriation of federal funds and any state matching funds for such purpose shall remain at the level appropriated, except as hereinafter provided.

(d) If federal funds become available to the spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in the budget approved by the Legislature for the next fiscal year, the treasurer may accept such funds on behalf of the spending unit and the Governor may authorize, in writing, the expenditure of such funds by the spending unit during that fiscal year as authorized by federal law and pursuant to the provisions of ~~article two, chapter five-a of the code §11B-2-1 et seq. of this code and, which permits expenditure of amounts in excess of the appropriation~~ upon the filing of a proper expenditure schedule: *Provided*, That the Governor may not authorize the expenditure of such funds received for the creation of a new program or for a significant alteration of an existing program. For purposes of this article, a mere new source of funding of federal moneys for a program which has been prior approved by legislative appropriation ~~will not be deemed to be is~~ not a "new program" or a "significant alteration of an existing program" and the Governor may authorize the expenditure of such funds as herein provided, subject to the limitations under subsection (e) of this section. Should a question arise concerning whether such expenditures would constitute a new program or significant alteration of an existing program, while the Legislature is not in session, the Governor shall seek the recommendation of the council of finance and administration, as created and existing pursuant to the provisions of ~~section three, article one, chapter five-a of the code §5A-1-4 of this code~~. Upon application to the federal government for such funds and upon receipt of such funds, the Governor shall submit to the Legislative Auditor two copies of a statement:

(1) Describing the proposed expenditure of such funds in the same manner as it would be described in the state budget; and

(2) Explaining why the availability of such federal funds and why the necessity of their expenditure could not have been anticipated in time for such expenditures to have been approved as part of the adopted budget for that particular fiscal year.

(e) Notwithstanding the provisions of subsection (d) of this section, no amount of such unanticipated federal funds for an existing program, for a significant alteration of an existing program, or for the creation of a new program made available to the state for costs and damages resulting from an emergency including, but not limited to, flooding, forest fires, earthquakes, storms or similar natural disasters, civil disobedience, human-caused disasters, infectious disease outbreaks, or similar public health or safety emergencies that occur and are received while the Legislature is not in session and that are declared by the Governor as a state of emergency in excess of \$150 million for any part or the whole of the declared emergency may be expended without appropriation by the Legislature enacted following receipt of the funds. No provision of this code or any appropriations act in effect upon the receipt of unanticipated federal funds made available to the state for costs and damages resulting from an emergency including, but not limited to, flooding, forest fires, earthquakes, storms or similar natural disasters, civil disobedience, human-caused disasters, infectious disease outbreaks, or similar public health or safety emergencies that occur and are received while the Legislature is not in session and that are declared by the Governor as a state of emergency may be construed to authorize the appropriation of those funds, except as provided in this subsection.

(f)(1) If federal funds become available to a spending unit and the funds were not included in the budget approved by the Legislature for the next fiscal year but are authorized to be expended while the Legislature is not in session under subsection (d) of this section, the Governor shall submit reports in writing to the President of the Senate, the Speaker of the House of Delegates, the chairs of the respective committees on finance of the two houses of the Legislature, and the Legislative Auditor as follows:

(A) On or before the first day of each month following the receipt of the funds until the funds are expended in their entirety, the reports shall include the following:

(i) The purposes for which funds were made available, the identification of any federal and state laws governing the expenditure of the funds and a general itemization of the Governor's plan of expenditure for the whole of the funds;

(ii) A detailed schedule setting forth the Governor's proposed expenditures of the funds for the month, including, but not limited to, as to each proposed expenditure, the amount and purpose of the expenditure; the spending unit responsible for making the expenditure; and the anticipated recipient or recipients of the expenditure; and

(iii) An explanation of any changes made from the prior month's general itemization of the Governor's plan of expenditure for the whole of the funds and of any changes the prior month's schedule of proposed expenditures made by the actual expenditures made during that month;

(B) On or before the 15th day of the month following month in which the funds were expended in their entirety, the report shall set forth a complete itemized report of each expenditure of the funds; and

(C) The Governor shall also include in each report such additional information as may be requested the Legislative Auditor.

(2) The Legislative Auditor shall provide a copy of each report to the Joint Committee on Government and Finance.

§4-11-6. Exclusions.

The following are excluded from the provisions of this article:

(1) Federal funds received by state institutions of higher education or by students or faculty members of such institutions for instructional or research purposes and federal funds received for student scholarships or grants-in-aid;

(2) Federal nondiscretionary pass-through funds which are earmarked in specified amounts or proportions for transmittal to local political subdivisions or to designated classes of organizations and individuals which do not require state-matching funds and do not permit discretion in their distribution by the receiving state spending unit;

~~(3) Federal funds made available to the state for costs and damages resulting from natural disasters, civil disobedience or other occurrences declared by the Governor as a state of emergency; and~~

~~(4)~~(3) All federal funds received by the West Virginia department of highways or the West Virginia commissioner of highways.

§4-11-7. Conflict with other statutory provisions.

If there is any conflict between the provisions of this article and any other provision of law, including this code, relating to receiving or expending federal funds, the provisions of this article shall govern and control.

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**ARTICLE 1A. ITEMIZATION OF PROPOSED APPROPRIATIONS IN BUDGET BILL SUBMITTED BY GOVERNOR TO LEGISLATURE.****§5-1A-1. Legislative findings and purposes.**

The Legislature finds and declares that section fifty-one, article six of the Constitution, known as the "modern budget amendment," authorizes the Legislature to prescribe by law the form and detail of the itemization and classification of the proposed appropriations of the budget bill submitted to it by the Governor, and that said section further authorizes the Legislature to enact such laws, not inconsistent with said section, as may be necessary and proper to carry out its provisions. The Legislature further finds and declares that said section makes the Legislature solely responsible for enacting all appropriations needed for the operation of state government, and that in carrying out such responsibility, the Legislature requires a continuous and timely flow of accurate information relative to the financial condition of the state, the needs and operations of the various agencies and departments of the state, and the amounts and purposes of all funds, including federal funds, being requested, received or expended by such agencies and departments from sources other than the revenues of the state.

Therefore, it is the purpose of this article to implement the aforementioned provisions of the Constitution, to enable the Legislature to carry out its Constitutional responsibility by prescribing the form and detail of the itemization and classification of the proposed appropriations of the

budget bill submitted to the Legislature by the Governor, and in conjunction with ~~the provisions of this act amending certain sections of articles one and two, chapter five a, §5-1A-1 *et seq.* and §11B-2-1 *et seq.* of this code and section three, article four, chapter twelve §12-4-3 of this code,~~ to ensure that the Legislature will be furnished the information needed to discharge such responsibility.

CHAPTER 11B. DEPARTMENT OF REVENUE.

ARTICLE 1. DEPARTMENT OF REVENUE.

§11B-1-1. ~~Department of tax and revenue renamed Department of Revenue; office of secretary of tax and revenue renamed Office of Secretary of Revenue; Director of Budget; federal funds.~~

(a) ~~The Department of Tax and Revenue and the office of secretary of tax and revenue are hereby renamed, respectively, the~~ The Department of Revenue and the office of secretary of revenue and are continued in the executive branch of state government. Wherever in this code the words "office of secretary of tax and revenue" or "secretary of tax and revenue" are used, such words shall now mean the office of secretary of revenue or the secretary of revenue. Wherever in this code the words "department of tax and revenue" are used, such words shall mean the Department of Revenue.

(b) The secretary of revenue shall be the chief executive officer of the department and director of the budget. The secretary shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term not exceeding the term of the Governor.

(c) The Department of Revenue is hereby authorized to receive federal funds for deposit in compliance with §12-2-2 of this code and for expenditure only upon appropriation by the Legislature of this state and in accordance with §4-11-1 *et seq.* of this code.

(d) The secretary shall serve at the will and pleasure of the Governor. The annual compensation of the secretary shall be as specified in ~~section two a, article seven, chapter six §6-7-2a~~ of this code.

§11B-1-4. Reports by secretary.

The secretary shall make an annual report to the Governor concerning the conduct of the department and the administration of the budget. The secretary shall also make other reports as the Governor may require. Copies of any such reports shall be submitted to the Legislature in the manner required by §5-1-20 of this code.

ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-11. Estimates of revenue; reports on revenue collections; withholding department funds on noncompliance.

(a) Prior to the beginning of each fiscal year, the secretary shall estimate the revenue to be collected month by month by each classification of tax for that fiscal year as it relates to the official estimate of revenue for each tax for that fiscal year and the secretary shall certify this estimate to the Governor and the Legislative Auditor and the West Virginia Investment Management Board by July 1, for that fiscal year.

(1) The secretary shall ascertain the collection of the revenue of the state and shall determine for each month of the fiscal year the proportion which the amount actually collected during a month bears to the collection estimated by him or her for that month. The secretary shall certify to the Governor, the Legislative Auditor and the Investment Management Board, as soon as possible after the close of each month, and not later than the 15th day of each month, and at other times as the Governor, the Legislative Auditor or the Investment Management Board may request, the condition of the state revenues and of the several funds of the state and the proportion which the amount actually collected during the preceding month bears to the collection estimated by him or her for that month. The secretary shall include in this certification the same information previously certified for prior months in each fiscal year. The certification for the final month of a fiscal year shall also include the proportion which the amount actually collected during the preceding fiscal year bears to the appropriations made for that year. For the purposes of this section, the secretary shall have the authority to require all necessary estimates and reports from any spending unit of the state government.

(2) If the secretary fails to certify to the Governor, the Legislative Auditor and the Investment Management Board the information required by this subsection within the time specified herein, the Legislative Auditor shall notify the Auditor and Treasurer of the failure and thereafter no funds appropriated to the Department of Revenue may be expended until the secretary has certified the information required by this subsection.

(b) Prior to July 1, of each fiscal year, the secretary shall estimate daily revenue flows for the General Revenue Fund for the next fiscal year as it relates to the official estimate of revenue. Subsequent to the end of each fiscal year, the secretary shall compare the projected daily revenue flows with the actual daily revenue flows from the previous year. The secretary may for any month or months, at his or her discretion, revise the annual projections of the daily revenue flows. The secretary shall certify to the Governor, the Legislative Auditor and the Investment Management Board, as soon as possible after the close of each month and not later than the 15th day of each month, and at other times as the Governor, the Legislative Auditor or the Investment Management Board may request, the condition of the General Revenue Fund and the comparison of the projected daily revenue flows with the actual daily revenue flows. If the secretary fails to certify to the Governor, the Legislative Auditor and the Investment Management Board the information required by this subsection within the time specified herein, the Legislative Auditor shall notify the Auditor and treasurer of the failure and thereafter no funds appropriated to the Department of Revenue may be expended until the secretary has certified the information required by this subsection.

§11B-2-21. Reduction of appropriations — Reduction of appropriations from general revenue.

If the Governor determines that the amounts, or parts thereof, appropriated from the general revenue cannot be expended without creating an overdraft or deficit in the General Fund, he or she may, before the end of the fiscal year, instruct the secretary to reduce all appropriations out of general revenue in a degree as necessary to prevent an overdraft or a deficit in the General Fund. No reduction of appropriations may be made after June 30 of the fiscal year.

§11B-2-23. Approval of secretary of requests for changes and receipt and expenditure of federal funds by state agencies; copies or sufficient summary information to be furnished to secretary; and consolidated report of federal funds; central agency for receipt of federal funds; unlawful acts.

(a) Every agency of the state government when making requests or preparing budgets to be submitted to the federal government for funds, equipment, material or services, the grant or allocation of which is conditioned upon the use of state matching funds, shall have the request or budget approved in writing by the secretary before submitting it to the proper federal authority. When the federal authority has approved the request or budget, the agency of the state government shall resubmit it to the secretary for recording before any allotment or encumbrance of the federal funds can be made. Whenever any agency of the state government receives from any agency of the federal government a grant or allocation of funds which do not require state matching, the state agency shall report to the secretary the amount of the federal funds granted or allocated.

(b) Unless contrary to federal law, any agency of state government, when making requests or preparing budgets to be submitted to the federal government for funds for personal services, shall include in the request or budget the amount of funds necessary to pay for the costs of any fringe benefits related to the personal service. For the purposes of this section, "fringe benefits" means any employment benefit granted by the state which involves state funds, including, but not limited to, contributions to insurance, retirement and social security and which does not affect the basic rate of pay of an employee.

(c) In addition to the other requirements of this section, the secretary shall, as soon as possible after the end of each fiscal year but no later than December 31, of each year, submit to the Governor a consolidated report which shall contain a detailed itemization of all federal funds received by the state during the preceding and current fiscal years, as well as those scheduled or anticipated to be received during the remainder of the current fiscal year and the next ensuing fiscal year. The itemization shall show:

(1) Each spending unit which has received or is scheduled or expected to receive federal funds in either of the fiscal years;

(2) The amount of each separate grant or distribution received or to be received; and

(3) A brief description of the purpose of every grant or other distribution, with the name of the federal agency, bureau or department making the grant or distribution: *Provided*, That it is not necessary to include in the report an itemization of federal ~~revenue sharing funds deposited in and appropriated from the revenue sharing trust fund~~ block grants, or federal funds received for the benefit of the Division of Highways of the Department of Transportation.

(d) The secretary may obtain from the spending units any and all information necessary to prepare a report.

(e) Notwithstanding the other provisions of this section and in supplementation of the provisions of this section, the Legislature hereby determines that the Department of Revenue and its secretary need to be the single and central agency for receipt of information and documents in respect of applications for, and changes, receipt and expenditure of, federal funds by state agencies. Every agency of state government, when making application for federal funds in the nature of a grant, allocation or otherwise; when amending the applications or requests; when in receipt of federal funds; or when undertaking any expenditure of federal funds, in all respective instances, shall provide to the secretary of revenue document copies or sufficient summary information in respect of the federal funds to enable the secretary to provide approval in writing for any activity in respect to the federal funds.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**ARTICLE 2. PAYMENT AND DEPOSIT OF TAXES AND OTHER AMOUNTS DUE THE STATE OR ANY POLITICAL SUBDIVISION.****§12-2-2. Itemized record of moneys received for deposit; regulations governing deposits; credit to state fund; exceptions.**

(a) All officials and employees of the state authorized by statute to accept moneys on behalf of the State of West Virginia shall keep a daily itemized record of moneys received for deposit in the State Treasury and shall deposit within one business day with the State Treasurer all moneys received or collected by them for or on behalf of the state for any purpose whatsoever. The State Treasurer may grant an exception to the one business day rule when circumstances make compliance difficult or expensive. The State Treasurer may review the procedures and methods used by officials and employees authorized to accept moneys due the state and change the procedures and methods if he or she determines it is in the best interest of the state: *Provided*, That the State Treasurer may not review or amend the procedures by which the Department of Revenue accepts moneys due the state. The State Treasurer shall propose rules for legislative approval, in accordance with the provisions of ~~article three, chapter twenty-nine-a~~ §29A-3-1 et seq. of this code governing the procedure for deposits. The official or employee making deposits with the State Treasurer shall prepare deposit lists in the manner and upon report forms prescribed by the State Treasurer in the state accounting system. The State Treasurer shall review the deposits in the state accounting system and forward the information to the State Auditor and to the Secretary of Revenue.

(b) All moneys received by the state from appropriations made by the Congress of the United States shall be recorded in special fund accounts, in the State Treasury apart from the general revenues of the state, and shall be expended only upon appropriation of the Legislature in accordance with the provisions of ~~article eleven, chapter four~~ §4-11-1 et seq. of this code. All moneys, other than federal funds, defined in ~~section two, article eleven, chapter four~~ §4-11-2 of this code, shall be credited to the state fund and treated by the State Auditor and State Treasurer as part of the general revenue of the state except the following funds which shall be recorded in separate accounts:

(1) All funds excluded by the provisions of ~~section six, article eleven, chapter four~~ §4-11-6 of this code;

(2) All funds derived from the sale of farm and dairy products from farms operated by any spending unit of the state;

(3) All endowment funds, bequests, donations, executive emergency funds and death and disability funds;

(4) All fees and funds collected at state educational institutions for student activities;

(5) All funds derived from collections from dormitories, boardinghouses, cafeterias and road camps;

(6) All moneys received from counties by institutions for the deaf and blind on account of clothing for indigent pupils;

(7) All insurance collected on account of losses by fire and refunds;

(8) All funds derived from bookstores and sales of blank paper and stationery, and collections by the chief inspector of public offices;

(9) All moneys collected and belonging to the capitol building fund, state road fund, state road sinking fund, general school fund, school fund, state fund (moneys belonging to counties, districts and municipalities), state interest and sinking funds, state compensation funds, the fund maintained by the Public Service Commission for the investigation and supervision of applications and all fees, money, interest or funds arising from the sales of all permits and licenses to hunt, trap, fish or otherwise hold or capture fish and wildlife resources and money reimbursed and granted by the federal government for fish and wildlife conservation; and

(10) All moneys collected or received under any act of the Legislature providing that funds collected or received under the act shall be used for specific purposes.

(c) All moneys, except as provided in subdivisions (1) through (9), inclusive, subsection (b) of this section, shall be paid into the State Treasury in the same manner as collections not excepted and recorded in separate accounts for receipt and expenditure for the purposes for which the moneys are authorized to be collected by law: *Provided*, That amounts collected pursuant to subdivisions (1) through (10), subsection (b) of this section, which are found, from time to time, to exceed funds needed for the purposes set forth in general law may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature. The gross amount collected in all cases shall be paid into the State Treasury. Commissions, costs and expenses, including, without limitation, amounts charged for use of bank, charge, credit or debit cards, incurred in the collection process shall be paid from the gross amount collected in the same manner as other payments are made from the State Treasury.

(d) The State Treasurer may establish an imprest fund or funds in the office of any state spending unit upon receipt of a proper application. To implement this authority, the State Treasurer shall propose rules for legislative approval in accordance with the provisions of ~~article three, chapter twenty-nine-a~~ §29A-3-1 et seq. of this code. The State Treasurer or his or her designee shall annually audit all imprest funds and prepare a list of the funds showing the location and amount as of fiscal year end, retaining the list as a permanent record of the State Treasurer until the Legislative Auditor has completed an audit of the imprest funds of all agencies and institutions involved.

(e) The State Treasurer may develop and implement a centralized receipts processing center. The State Treasurer may request the transfer of equipment and personnel from appropriate state agencies to the centralized receipts processing center in order to implement the provisions of this section: *Provided*, That the Governor or appropriate constitutional officer has authority to authorize the transfer of equipment or personnel to the centralized receipts processing center from the respective agency.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-12. Expiration of unexpended appropriations; reappropriations.

(a) ~~Every~~ Except as provided in subsection (b) of this section, every appropriation ~~which that~~ is payable out of the general revenue, or so much thereof as may remain undrawn at the end of the year for which made, shall be deemed to have expired at the end of the year for which it is made, and no warrant shall thereafter be issued upon it: *Provided*, That warrants may be drawn through the 31st day of July after the end of the year for which the appropriation is made if the

warrants are in payment of bills for such year and have been encumbered by the budget office prior to July first: ~~but appropriations for buildings and land or capital outlay shall remain in effect, and shall not be deemed to have expired until the end of three years after the passage of the act by which such appropriations are made~~ *Provided, however,* That if such 31st day of July is on Saturday, then warrants may only be drawn through the Friday immediately preceding such Saturday, but if such 31st day of July is on Sunday, the warrants may be drawn through the Monday immediately following such Sunday.

(b) Notwithstanding any provision of subsection (a) of this section to the contrary:

(1) Appropriations that are payable out of the general revenue, or so much thereof as may remain undrawn at the end of the year for which made, for buildings and land or capital outlay shall remain in effect, and shall not be deemed to have expired until the end of three years after the passage of the act by which such appropriations are made; and

(2) Appropriations that are payable out of the general revenue, or so much thereof as may remain undrawn at the end of the fiscal year for which made, that are reappropriated by the budget act for the ensuing fiscal year shall not be deemed to have expired unless, at the end of the fiscal year just ended, the total general revenue collections for the fiscal year just ended did not equal or exceed total general revenue appropriations for that fiscal year. If the total general revenue collections for the fiscal year just ended did not equal or exceed total general revenue appropriations for that fiscal year, all such reappropriations shall be deemed to have expired at the end of the fiscal year as provided in subsection (a) of this section.

(c) The Legislature may expire or provide for the expiration of any appropriation prior to the end of the fiscal year for which it is made.

§12-3-17. Liabilities incurred by state boards, commissions, officers or employees which cannot be paid out of current appropriations.

Except as provided in this section, it shall be unlawful for any state board, commission, officer or employee: (1) To incur any liability during any fiscal year which cannot be paid out of the then current appropriation for such year or out of funds received from an emergency appropriation; or (2) to authorize or to pay any account or bill incurred during any fiscal year out of the appropriation for the following year: *Provided,* That nothing contained herein shall prohibit entering into a contract or lease for buildings, land and space, the cost of which exceeds the current year's appropriation, even though the amount is not available during the then current year, if the aggregate cost does not exceed the amount then authorized by the Legislature. Nothing contained herein shall ~~repeal~~ *abrogate* the provisions of the general law relating to the expiration of appropriations for buildings and land.

Any member of a state board or commission or any officer or employee violating any provision of this section shall be personally liable for any debt unlawfully incurred or for any payment unlawfully made.

ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.

§12-4-2. Accounts of Treasurer and Auditor; Auditor to certify condition of revenues and funds of the state.

The Treasurer shall keep in his or her office separate accounts with each depository, and also a summary account for the state, and when money is paid into the treasury, it shall be charged to the proper depository and credited to a summary account. The Auditor shall keep in his or her

office separate accounts of the particular heads or sources of revenue, and a summary account with the Treasurer, beside such individual accounts with officers and persons as may be necessary, and shall charge every sum of money received for the state as aforesaid to the Treasurer's account, and credit it under the particular head of revenue to which it properly belongs, distinguishing especially in distinct accounts the receipts on account of the capital of the school fund and those on account of the income of said fund subject to annual distribution. The Auditor shall certify annually to the ~~commissioner of finance and administration~~ Secretary of Revenue the condition of the state revenues and the several funds of the state. The certification shall be used by the ~~commissioner~~ Secretary in the preparation of a tentative state budget as required of him or her by ~~article two, chapter five-a~~ §5-1A-1 et seq., and §11B-2-1 et seq. of this code.

§12-4-3. Accounts of appropriations.

The Auditor and Secretary of ~~administration~~ Revenue shall each keep an account of every appropriation made by law, and of the several sums drawn thereon, so that the accounts may show at all times the balance undrawn on each appropriation. The account so kept shall be compared every month and errors, if any, corrected.

The bill (Eng. Com. Sub. for H. B. 2014), as amended, was then ordered to third reading.

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

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2014) 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, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2014) passed.

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

Eng. Com. Sub. for House Bill 2014—A Bill to amend and reenact §4-11-1, §4-11-2, §4-11-3, §4-11-4, §4-11-5, §4-11-6, and §4-11-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-1A-1 of said code; to amend and reenact §11B-1-1 and §11B-1-4 of said code; to amend and reenact §11B-2-11, §11B-2-21, and §11B-2-23 of said code; to amend and reenact §12-2-2 of said code; to amend and reenact §12-3-12 and §12-3-17 of said code; and to amend and reenact §12-4-2 and §12-4-3 of said code, all relating to disposition of moneys received by the state generally; specifying the role of the Legislature in appropriating federal funds; updating references to types of federal funds; providing for appropriation of federal funds in accordance with the state constitution; updating and clarifying statutory cross-references; limiting gubernatorial authority to spend federal funds without appropriation of the Legislature; continuing and limiting spending of certain emergency funds for certain emergencies without additional enactment; requiring reports to the Legislature on proposed and actual spending of those funds; removing certain emergency federal fund exclusion language from the provisions governing appropriations of federal funds; establishing controlling provisions in case of conflict of law; clarifying statutes applicable to preparation of state budget; clarifying meaning of certain terms; conditioning the Secretary of Revenue's receipt and expenditure of federal funds; providing copy of certain reports to the Legislature; enlarging matters to be reported to the Legislature regarding revenue estimates, collections and appropriations; requiring any budget reductions be made before end of fiscal year; enlarging matters to be reported in the annual Consolidated Federal Funds report; authorizing funds to be reappropriated from one fiscal year to the next, and providing circumstances under which those funds expire to the general revenue fund instead of being reappropriated; modifying certain terms; and updating references to public officers.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2014) takes effect from passage.

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

The Senate proceeded to the tenth order of business.

Eng. House Bill 2253, Relating to forgery and other crimes concerning lottery tickets.

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

Eng. House Bill 2888, Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction.

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

And,

Eng. House Bill 3081, Updating the West Virginia Business Corporations Act.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 30, 2021:

Senate Bill 716: Senator Nelson.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bill and resolutions on March 30, 2021:

Com. Sub. for Senate Bill 554: Senator Karnes;

Senate Concurrent Resolution 56: Senators Hamilton and Woelfel;

And,

Senate Resolution 32: Senators Hamilton, Woelfel, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:50 p.m., the Senate adjourned until tomorrow, Thursday, April 1, 2021, at 10 a.m.

SENATE CALENDAR

**Thursday, April 01, 2021
10:00 AM**

UNFINISHED BUSINESS

- S. R. 33 - Recognizing senior center personnel for their dedication throughout COVID-19 pandemic
- S. R. 34 - Recognizing Coalfield Health Center's contributions to rural health care
- S. R. 35 - Recognizing clean energy's importance to WV's energy future
- H. C. R. 15 - Rare Disease Day
- H. C. R. 35 - Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system - (Com. amends. pending)

SECOND READING

- Eng. H. B. 2253 - Relating to forgery and other crimes concerning lottery tickets - (Com. amend. pending)
- Eng. H. B. 2888 - Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction
- Eng. H. B. 3081 - Updating the West Virginia Business Corporations Act

FIRST READING

- Eng. H. B. 2028 - Exempting veterinarians from the requirements of controlled substance monitoring
- Eng. H. B. 2366 - Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note
- Eng. Com. Sub. for H. B. 2427 - Authorizing the Department of Health and Human Resources to promulgate legislative rules - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2529 - Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2633 - Creating the 2021 Farm Bill - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 2763 - Creating WV Cyber Incident Reporting - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2765 - Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2785 - Relating to public school enrollment for students from out of state - (Com. amend. and title amend. pending)

Eng. H. B. 2791 - Relating to enrollment and costs of homeschooled or private school students at vocational schools

Eng. Com. Sub. for H. B. 2877 - Expand direct health care agreements beyond primary care to include more medical care services

Eng. H. B. 2906 - Relating to the School Building Authority's allocation of money

Eng. H. B. 2915 - Relating to public records management and preservation

Eng. Com. Sub. for H. B. 2916 - Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America - (Com. amend. pending)

Eng. H. B. 2957 - Relating to the repeal of outdated code sections

Eng. H. B. 2958 - Relating to repealing outdated sections of state code

Eng. H. B. 3045 - Relating to firefighter disability claims

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Thursday, April 1, 2021

9 a.m.

Transportation & Infrastructure

(Room 451M)