

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
THIRTEENTH DAY

Charleston, West Virginia, Monday, January 24, 2022

The Senate met at 11:01 a.m.

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

Prayer was offered by Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Friday, January 21, 2022,

At the request of Senator Karnes, 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 Clerk presented the following communications from various state agencies as required by the provisions of law:

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

Health and Human Resources, Department of (James "Tiger" Morton Catastrophic Illness Commission) (§16-5Q-2)

Motor Vehicles, Division of (Motorcycle Safety Awareness Board) (§17B-1D-8)

The Senate proceeded to the third order of business.

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

Eng. Senate Bill 8, Relating generally to state's savings and investment programs.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, by striking everything after the enacting clause and substituting in lieu thereof the following:

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 9. SAVINGS AND INVESTMENT PROGRAM FULFILLMENT FUND.

§12-9-1. Special revenue account continued.

There is continued in the State Treasury the special revenue account, designated the West Virginia Savings and Investment Program Fulfillment Fund, previously authorized by §18-30-6a of this code. The fund shall be administered by the State Treasurer for the purposes described in this article.

§12-9-2. Receipts and expenditures.

(a) The West Virginia Savings and Investment Program Fulfillment Fund shall consist of all moneys in the fund on the effective date of this section, any moneys that may be appropriated to the fund by the Legislature, all interest or other return earned or received from investment of the fund; any moneys which the fund is authorized to receive under any provision of this code for the purposes of this article, and all gifts, grants, bequests, or transfers made to the fund from any source.

(b) The State Treasurer may expend moneys in the West Virginia Savings and Investment Program Fulfillment Fund for costs to implement or administer any savings or investment program with an initial date of operation occurring on or after July 1, 2021, including, but not limited to, the Hope Scholarship Program, established in §18-31-1 *et seq.* of this code, and Jumpstart Savings Program, established in §18-30A-1 *et seq.* of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund to be expended as authorized by this article.

§12-9-3. Investment of fund.

The State Treasurer is authorized to invest and reinvest moneys in the fund, and all interest and earnings of the fund shall accrue to the fund and be available for expenditure in accordance with this article.

CHAPTER 18. EDUCATION.

ARTICLE 30. WEST VIRGINIA COLLEGE PREPAID TUITION AND SAVINGS PROGRAM ACT.

§18-30-1. Title.

This article is known and cited as the "West Virginia College Prepaid Tuition and Savings Program Act".

§18-30-2. Legislative findings and purpose.

The Legislature finds and determines that enhancing the accessibility and affordability of education for all citizens of West Virginia will promote a well-educated and financially secure population to the ultimate benefit of all citizens of West Virginia, and that assisting individuals and families in planning for future educational expenses by making the tax incentives in 26 U.S.C. § 529 available to West Virginians is one of the proper governmental functions and purposes of the state.

~~The Legislature also finds that continuation of the prepaid tuition plan and creation of a savings plan will further those governmental functions and purposes. It is, therefore, the legislative intent of this article to continue the prepaid tuition plan and to enhance the plan by authorizing the creation of a savings plan so that more students may attend eligible educational institutions~~

§18-30-3. Definitions.

For the purposes of this article, the following terms have the meanings ascribed to them, unless the context clearly indicates otherwise or as otherwise provided in 26 U.S.C. §529:

"Account" means ~~a prepaid tuition account~~ or a savings plan account established in accordance with this article.

"Account owner" means the individual, corporation, association, partnership, trust, or other legal entity ~~who enters into a prepaid tuition contract and is obligated to make payments in accordance with the prepaid tuition contract~~ or who enters into a savings plan contract and invests money in a savings plan account.

"Beneficiary" means the individual designated as a beneficiary at the time an account is established, the individual designated as the beneficiary when beneficiaries are changed, the individual entitled to receive distributions from an account, and any individual designated by the account owner, his or her agent, or his or her estate in the event the beneficiary is unable or unwilling to receive distributions under the terms of the contract.

"Board" means the Board of Trustees of the West Virginia College Prepaid Tuition and Jumpstart Savings Program Programs as provided in §18-30-4 of this code.

"Distribution" means any disbursement from an account in accordance with 26 U.S.C. §529.

"Eligible educational institution" means an institution of higher education or a private or religious primary, middle, or secondary school that qualifies under 26 U.S.C. §529 as an eligible educational institution.

"Jumpstart Savings Expense Fund", for the purposes of this article, means the College and Jumpstart Savings Administrative Account, established in §18-30-8 of this Code.

"Outstanding obligations of the Prepaid Tuition Plan" means the outstanding contract obligations of the board to persons owning Prepaid Tuition Plan accounts. The term also includes any fees, charges, expenses, penalties, or any other obligation or liability of the Prepaid Tuition Trust Fund or plan.

~~"Prepaid tuition account" means an account established by an account owner pursuant to this article, in order for the beneficiary to apply distributions in accordance with the Prepaid Tuition Plan.~~

~~"Prepaid tuition contract" means a contract entered into by the board and an account owner establishing a prepaid tuition account.~~

~~"Prepaid Tuition Plan" means the plan that contractually guarantees payment of tuition at an eligible educational institution~~

"Prepaid Tuition Program" means the Prepaid Higher Education Program and Plan, which was previously established and authorized by this article as reflected in Chapter 80, Acts of the Legislature, Regular Session, 1997, and which was closed in 2021.

~~"Program" means the West Virginia College Prepaid Tuition and Savings Program established pursuant to this article and as defined in §18-30-4(a) of this code.~~

"Qualified education expenses" means expenses treated as "qualified higher education expenses" under 26 U.S.C. §529.

"Savings plan" means the plan that allows account distributions for qualified higher educational expenses and tuition at private or religious primary, middle, and secondary schools.

"Savings plan account" means an account established by an account owner pursuant to this article, in order for the beneficiary to apply distributions toward qualified higher education expenses and tuition expenses at eligible educational institutions.

"Savings plan contract" means a contract entered into by the board or its agent, if any, and an account owner establishing a savings plan account.

"Treasurer" means the West Virginia State Treasurer.

"Tuition" means the quarter, semester, or term charges imposed by an eligible educational institution and all mandatory fees required as a condition of enrollment by all students for full-time attendance.

§18-30-3a. 2022 Legislative findings; statutory construction.

(a) The Legislature makes the following findings regarding the amendments to this article adopted during the 2022 Regular Session of the Legislature:

(1) Whereas the Prepaid Tuition Program and Plan, administered by the board from 1998 until 2021, was statutorily closed to new accounts in 2001;

(2) Whereas the board initiated a statutorily authorized buyout of all remaining accounts in 2021 and terminated the Prepaid Tuition Program, Plan, and Trust Fund;

(3) Whereas the Jumpstart Savings Act, adopted during the 2021 Regular Session of the Legislature, created a new savings and investment program to become operational on July 1, 2022;

(4) Whereas the Jumpstart Savings Program is structurally similar to the College Savings Program, both programs share the objective of assisting West Virginians to obtain the education and skills that they need for productive and successful livelihoods, and the Jumpstart Savings Act allows state tax rollovers from a SMART529 account into a Jumpstart Savings Account;

(5) Whereas authorizing a single board to administer both the College Savings Program and Jumpstart Savings Program, rather than requiring each program to have a separate board, will significantly reduce management and administrative costs to the state;

(6) Therefore, the Board of Trustees of the College Prepaid Tuition and Savings Program should be continued and re-designated as "the Board of Trustees of the West Virginia College and Jumpstart Savings Programs" and said board should be tasked with administering the College Savings Program, established by this article, and the Jumpstart Savings Program, established by §18-30A-1 *et seq.* of this code.

(b) The Legislature further finds that, whenever possible, this article should be read *in pari materia* and construed in harmony with the Jumpstart Savings Act, located in §18-30A-1 *et seq.* of this code.

(c) The Legislature further finds that interests in the College Savings Program Trust are intended:

(1) To qualify for relevant federal securities law exemptions for public instrumentalities of a State; and

(2) To be exempt from registration under Chapter 32 of the West Virginia Code, the "Uniform Securities Act".

§18-30-4. The Board of Trustees of the West Virginia College and Jumpstart Savings Programs; Creation of program; board; members; terms; compensation; proceedings generally.

(a) The West Virginia College Prepaid Tuition and Savings Program is continued. The program consists of a savings plan and the outstanding obligations of the Prepaid Tuition Plan. the savings plan administered according to this article and the requirements of 26 U.S.C. §529.

(b) The Board of Trustees of the College Prepaid Tuition and Savings Program is continued as a public instrumentality of the State of West Virginia: *Provided*, That the Board shall hereafter be known as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs. and all powers, rights, and responsibilities of the Board of Trustees of the Prepaid Tuition Trust Fund are vested in the Board of the College Prepaid Tuition and Savings Program

(c) The board consists of ~~nine~~ 11 members and includes the following:

(1) The State Treasurer, or his or her designee;

(2) The State Superintendent of Schools, or his or her designee;

(3) A representative of the Higher Education Policy Commission, who may or may not be a member of the Higher Education Policy Commission, appointed by the commission who serves as a voting member of the board;

(4) A representative of the Council for Community and Technical College Education, who may or may not be a member of the Council for Community and Technical College Education, appointed by the council who serves as a voting member of the board; and

(5) ~~Five~~ Seven other members, appointed by the Governor, with the advice and consent of the Senate, as follows:

(A) Three private citizens with knowledge, skill, and experience in a financial field, who are not employed by, or an officer of, the state or any political subdivision of the state: *Provided*, That reasonable efforts shall be made to appoint one such citizen to the board who holds a designation of Chartered Financial Analyst, offered by the CFA Institute; ~~and~~

(B) Two private citizens, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:

(i) A member representing a labor organization that represents tradespersons in this state; and

(ii) A member representing a business or entity offering trade or skilled labor apprenticeships in this state; and

~~(B)~~ (C) Two members representing the interests of private institutions of higher education located in this state appointed from one or more nominees of the West Virginia Independent Colleges and Universities.

(d) Only state residents are eligible for appointment to the board.

(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person representing the same interests to fill the unexpired term.

(f) Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor. Members of the board serve without compensation. The Treasurer may pay all expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the College ~~Prepaid Tuition~~ and Jumpstart Savings Program Administrative Account and are made at the same rate paid to state employees.

(g) The Treasurer may provide support staff and office space for the board.

(h) The Treasurer is the chairperson and presiding officer of the board and may appoint the employees the board considers advisable or necessary. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.

§18-30-5. Powers of the board to administer the College Savings Program.

~~In addition to the powers granted by any other provision of this article, the board has the powers necessary or appropriate to carry out the provisions and objectives of this article, other methods of financing post secondary education as relate to the program, and the powers delegated by any other law of the state or any executive order of the state. The board may also:~~

- ~~(a) Adopt and amend bylaws;~~
- ~~(b) Sue and be sued;~~
- ~~(c) Execute contracts and other instruments for necessary goods and services, employ necessary personnel and engage the services of private consultants, actuaries, Auditors, counsel, managers, trustees, and any other contractor or professional needed. Selection of these services is not subject to the provisions of article three, chapter five-a of this code;~~
- ~~(d) Operate a prepaid tuition plan in accordance with this article and 26 U.S.C. §529;~~
- ~~(e) Operate a savings plan in accordance with this article and 26 U.S.C. §529;~~
- ~~(f) Develop and impose any requirements, policies, procedures, and guidelines to implement and manage the program;~~
- ~~(g) Impose reasonable requirements for residency for beneficiaries at the time of purchase of a prepaid tuition contract. However, nothing in this subdivision establishes residency requirements for matriculation at state eligible educational institutions;~~
- ~~(h) Assess, collect and expend administrative fees, charges, and penalties;~~
- ~~(i) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, or other professional managing or investing the trust funds and accounts;~~
- ~~(j) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board or other professional investing the funds and accounts. Investments made under this article shall be made in accordance with the provisions of article six c, chapter forty four of this code, the West Virginia uniform prudent investor act. No board member, nor any person, financial institution, investment manager, fund manager or the West Virginia Investment Management Board to whom the board delegates any of its investment authority who acts within the standard of care set forth in this section is personally liable for losses suffered by the program on investments made pursuant to this article;~~
- ~~(k) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust or other disposition, grants, loans, aid, and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state or local governmental programs in carrying out the purposes of this article. The board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within ninety days of receipt;~~
- ~~(l) Propose legislative rules for promulgation in accordance with the provisions of article three-a, chapter twenty-nine-a of this code;~~
- ~~(m) Make all necessary and appropriate arrangements with eligible educational institutions in order to fulfill its obligations under the prepaid tuition contracts and the savings plan contracts; and~~

~~(n) Establish a direct support organization which is a West Virginia corporation, not for profit, organized and operated to receive, hold, invest and administer property and make expenditures to or for the benefit of the purposes of this article, if the board determines a need for the organization exists. The board may authorize the direct support organization to use program facilities and property, except money. The board may invest funds of the direct support organization.~~

(a) The board shall administer the College Savings Program in accordance with this article and 26 U.S.C. §529.

(b) The board shall offer and issue interests in the Savings Plan Trust to eligible members of the public.

(c) The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however*, That all expenditures and monetary and financial transactions may be subject to periodic audits by the Legislative Auditor;

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30-6 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received

to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt;

(9) Make all necessary and appropriate arrangements with eligible educational institutions in order to fulfill its obligations under the savings plan contracts; and

(10) Propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code, including emergency rules when necessary.

(d) The power and duties of the board provided in this article are in addition to the powers and duties of the board provided in §18-30A-1 et seq. of this code.

§18-30-6. West Virginia prepaid tuition trust escrow fund. Use of financial organizations as program depositories and managers.

~~(a) The Prepaid Tuition Trust Fund is continued within the accounts held by the State Treasurer for administration by the board until such time as the moneys in the fund are depleted and the board elects to close the fund.~~

~~(b) Upon the closure of the Prepaid Tuition Trust Fund, the board is authorized to expend moneys from the Prepaid Tuition Trust Escrow Fund for the purpose of satisfying outstanding obligations of the Prepaid Tuition Trust Plan, according to the requirements of subsection (h) of this section.~~

~~(c) The corpus, assets, and earnings of the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by or any obligation of the board on behalf of and for the benefit of the Prepaid Tuition Plan does not constitute a debt of the state but is solely an obligation of the Prepaid Tuition Trust Fund. The state has no obligation to any designated beneficiary or any other person as a result of the Prepaid Tuition Plan. All amounts payable from the Prepaid Tuition Trust Fund are limited to amounts available in the Prepaid Tuition Trust Fund.~~

~~(d) Nothing in this article or in any prepaid tuition contract is a promise or guarantee of admission to, continued enrollment in, or graduation from an eligible educational institution.~~

~~(e) Effective March 8, 2003, the Prepaid Tuition Plan is closed to new contracts. Closing the plan to new contracts does not affect any Prepaid Tuition Plan contracts in effect on March 8, 2003. All contract owners shall continue to pay any amounts due, including without limitation monthly installments, penalties, and fees. Earnings derived from the investment of moneys in the Prepaid Tuition Trust Fund shall continue to accrue to the fund until the fund is closed in accordance with this section. Upon a determination of the board that all outstanding contract obligations to persons owning Prepaid Tuition Plan accounts have been satisfied as provided in subsection (h) of this section, the plan shall be closed.~~

~~(f) The board shall continue to have the actuarial soundness of the Prepaid Tuition Trust Fund evaluated annually until the fund's closure.~~

~~(g) On or before December 1, 2003, and each year until the Prepaid Tuition Trust Fund's closure, the chairperson of the board shall submit to the Governor, the President of the Senate, the Speaker of the House of Delegates, the Joint Committee on Government and Finance, and~~

~~the unclaimed property administrator a report certified by an actuary of the actuarial status of the Prepaid Tuition Trust Fund at the end of the fiscal year immediately preceding the date of the report.~~

~~(h) Escrow fund; expenditures.—~~

~~(1) The Prepaid Tuition Trust Escrow Fund is continued in the State Treasury to guarantee payment of outstanding obligations of the Prepaid Tuition Plan. The board shall invest the Prepaid Tuition Trust Escrow Fund in accordance with the provisions of this article in fixed income securities, and all earnings of the escrow fund shall accrue to the escrow fund and be available for expenditure in accordance with this section.~~

~~(2) In the event the money in the Prepaid Tuition Trust Fund is insufficient to cover the amount of money needed to meet the outstanding obligations of the Prepaid Tuition Trust Plan, the board may withdraw from the Prepaid Tuition Trust Escrow Fund the amount of money needed to meet outstanding obligations of the Prepaid Tuition Trust Plan.~~

~~(3) To the extent possible, the board shall satisfy outstanding contract obligations to persons owning Prepaid Tuition Plan accounts, on a pro rata basis as their interests may appear. Any account owner assets presumed abandoned shall be reported and remitted to the unclaimed property administrator in accordance with the Uniform Unclaimed Property Act in §36-8-1 et seq. of this code: *Provided*, That notwithstanding the requirements of said article, account owner assets are presumed abandoned 60 days after final payment checks for their remaining plan units are issued and said checks have not been presented for payment.~~

~~(i) After all outstanding obligations of the Prepaid Tuition Trust Plan have been satisfied in accordance with this section, any moneys remaining in the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund shall be allocated as follows:~~

~~(1) Five million dollars shall be transferred to the West Virginia Savings and Investment Program Fulfillment Fund, as set forth in §18-30-6a of this code.~~

~~(2) Up to \$1,000,000 may be maintained in the Prepaid Tuition Trust Escrow Fund, at the election of the board, for a period not to exceed 10 years following the closure of the Fund for the purpose of satisfying any claims against the Prepaid Tuition Trust Plan arising after the plan's closure: *Provided*, That upon the expiration of 10 years following the date of closure of the Prepaid Tuition Trust Fund or when the balance of the Prepaid Tuition Trust Escrow Fund is zero, whichever occurs first, the account shall be closed and any moneys remaining in the Prepaid Tuition Trust Escrow Fund upon said fund's closure shall revert to the state's General Revenue Fund.~~

~~(3) All moneys remaining, after the allocations provided in subdivisions (1) and (2) of this subsection, shall revert to the General Revenue Fund.~~

~~(j) To fulfill the charitable and public purpose of this article, neither the earnings nor the corpus of the Prepaid Tuition Trust Fund or the Prepaid Tuition Trust Escrow Fund is subject to taxation by the state or any of its political subdivisions.~~

~~(k) Notwithstanding any provision of this code to the contrary, money in the Prepaid Tuition Trust Fund and the Prepaid Tuition Trust Escrow Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for~~

~~any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.~~

~~The provisions of this section may not be construed to interfere with the operation of the savings plan authorized under this article.~~

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers, based on the following criteria:

(1) The financial stability and integrity of the financial organization;

(2) The safety of the investment instrument being offered;

(3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;

(4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;

(5) The fees, if any, proposed to be charged to the account owners;

(6) The minimum initial deposit and minimum contributions that the financial organization will require;

(7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and

(8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

(1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;

(2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;

(3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;

(4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program, including but not limited to a contract with a financial institution, manager, consultant or other professional to provide services to both the College Savings Program and the Jumpstart Savings Program, established in §18-30A-1 *et seq.* of this code;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement: *Provided*, That if the board terminates or does not renew a management agreement, the board shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.

§18-30-6a. Special revenue account created for fulfillment of savings and investment programs.

[Repealed].

§18-30-8. The College prepaid tuition and Jumpstart Savings program Administrative Account.

(a) There is hereby ~~created~~ continued a separate special revenue account within the State Treasurer's office Treasury titled the "college prepaid tuition and savings program administrating account", which shall hereafter be known as "the College and Jumpstart Savings Administrative Account." The board shall administer and make expenditures from the account for the purposes of implementing, operating, and maintaining the trust funds, and the program created by this article, and the program created by §18-30A-1 *et seq.* of this code.

~~(b) The administrative account shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections subject to appropriations made by the Legislature. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund to be expended as authorized by this section.~~

§18-30-10. Reports and account; annual audit.

(a) In addition to any other requirements of this article, the board shall:

~~(1) Provide annually summary information on the financial condition of the prepaid tuition trust fund and annual statements on the savings plan accounts to the respective account owners; and~~

~~(2) Prepare, or have prepared, a quarterly report on the status of the program, including the trust funds and the administrative account, and provide a copy of the report to the Joint Committee on Government and Finance and the Legislative Oversight commission on education accountability. and~~

~~(3) Prepare, or have prepared, an annual actuarial report of the prepaid tuition trust fund and transmit a copy of the report to the Governor, the President of the Senate, the Speaker of the House of Delegates and the Legislative Oversight commission on education accountability.~~

(b) All accounts of the board, including the trust funds, are subject to an annual external audit by an accounting firm, selected by the board, of which all members or partners assigned to head the audit are members of the American institute of certified public accountants. The audit shall comply with the requirements of §5A-2-33 of this code.

§18-30-11. Financial aid eligibility.

The calculations of a beneficiary's eligibility for state student financial aid for higher education may not include or consider ~~the value of distributions available in a prepaid tuition account or the value of distributions available in a savings plan account.~~

§18-30-13. ~~Board of Trustees; authorization of rules.~~ Remaining obligations of the Prepaid Tuition Program and Escrow Fund.

~~The legislative rules filed in the state register on September 30, 1997, modified by the board of trustees of the West Virginia prepaid tuition trust fund to meet the objections of the Legislative Oversight commission on education accountability and refiled in the state register on January 30, 1998, relating to the West Virginia prepaid tuition trust fund (rules for the West Virginia prepaid tuition trust fund), are authorized.~~

(a) The Prepaid Tuition Trust Escrow Fund, which was previously authorized by §18-30-6 of this code, is continued in the State Treasury to guarantee payment of outstanding obligations of the Prepaid Tuition Plan arising after the Plan's closure. The board is authorized to take any action necessary to satisfy obligations of the Prepaid Tuition Plan arising after the Plan's closure.

(b) The Prepaid Tuition Trust Escrow Fund shall consist of any moneys in the fund on the effective date of this section. Up to \$1,000,000 may be maintained in the Prepaid Tuition Trust Escrow Fund for a period not to exceed 10 years following the closure of the Prepaid Tuition Fund for the purpose of satisfying any claims against the Prepaid Tuition Trust Plan arising after the

plan's closure: *Provided*, That upon the expiration of 10 years following the date of closure of the Prepaid Tuition Trust Fund or when the balance of the Prepaid Tuition Trust Escrow Fund is zero, whichever occurs first, the account shall be closed and any moneys remaining in the Prepaid Tuition Trust Escrow Fund upon said fund's closure shall revert to the state's General Revenue Fund.

(c) The board shall invest the Prepaid Tuition Trust Escrow Fund, in accordance with the provisions of this article, in fixed income securities, and all earnings of the fund shall accrue to the fund and be available for expenditure in accordance with this section.

ARTICLE 30A. WEST VIRGINIA JUMPSTART SAVINGS ACT.

§18-30A-2. Findings.

(a) The Legislature recognizes the importance of cultivating an environment in West Virginia where our tradespersons and entrepreneurs can be successful in their careers and remain in their home state. The Legislature finds that a savings and investment program to assist our citizens who wish to embark on a new trade or establish a new business within this state, is an investment in the future of West Virginia and its hardworking citizens.

(b) The Legislature further finds that, whenever possible, this article should be read in *pari materia* and construed in harmony with the West Virginia College Savings Program Act, §18-30-1 *et seq.* of this code.

(c) The Legislature further finds that interests in the Jumpstart Savings Program Trust are intended:

(1) To qualify for relevant federal securities law exemptions for public instrumentalities of a state; and

(2) To be exempt from registration under Chapter 32 of the West Virginia Code, titled the "Uniform Securities Act."

§18-30A-3. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(1) "Account owner" means the person who opens and invests money into a Jumpstart Savings Account, as provided in this article.

(2) "Beneficiary" means the person designated as a beneficiary at the time an account is established, or the individual designated as the beneficiary when the beneficiary is changed.

(3) The "board" means the Board of Trustees of the West Virginia College and Jumpstart Savings Board Programs created in ~~§18-30A-5~~ §18-30-4 of this code.

(4) "Contribution" means any amount of money deposited into a Jumpstart Savings Account according to the procedures established and required by the board or the Treasurer.

(5) "Deduction" as used in this article has the same meaning as when used in a comparable context in the laws of the United States relating to income taxes, unless a different meaning is

clearly required. Deduction means and refers to a deduction allowable under the federal income tax code for the purpose of determining federal taxable income or federal adjusted gross income, unless text clearly indicates otherwise.

(6) "Distributee" has the same meaning provided in §11-21-12m of this code.

(7) "Distribution" means any disbursement from an account.

(8) The term "family member", as used to describe a person's relationship to a designated beneficiary, includes any of the following:

(A) The spouse of the beneficiary;

(B) A child of the beneficiary or a descendant of the beneficiary's child;

(C) A brother, sister, stepbrother, or stepsister of the beneficiary;

(D) The father or mother of the beneficiary, or an ancestor of either;

(E) A first cousin of the beneficiary;

(F) A stepfather or stepmother of the beneficiary;

(G) A son or daughter of a brother or sister of the beneficiary;

(H) A brother or sister of the father or mother of the beneficiary;

(I) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the beneficiary; or

(J) The spouse of any person described in paragraphs ~~(A)~~ (B) through (I) of this subdivision.

(K) Any term set forth in this subdivision means and includes such term as established through a lawful adoption, including, but not limited to, adoptions of a child or children, or other natural person, by a natural person or natural persons who are not the father, mother, or stepparent of the child or person.

(9) "Labor organization" means any organization, agency, association, union, or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay, or other terms or conditions of employment.

(10) The "program" refers to the Jumpstart Savings Program established by this article.

(11) The "Treasurer" refers to the West Virginia State Treasurer or his or her designee.

§18-30A-5. The Board of Trustees of the West Virginia College and Jumpstart Savings Programs Board; members; terms; compensation, proceedings generally.

~~(a)~~ The West Virginia Jumpstart Savings Program shall be administered by the Board of Trustees of the West Virginia College and Jumpstart Savings Board Programs. The board is created in §18-30-4 of this code and is a public instrumentality of the State of West Virginia.

~~(b) The board consists of seven members and includes the following:~~

~~(1) The State Treasurer;~~

~~(2) The State Superintendent of Schools, or his or her designee;~~

~~(3) The Chancellor of the West Virginia Community and Technical College System, or his or her designee;~~

~~(4) Four members, appointed by the Governor, with knowledge, skill, and experience in trade occupations or businesses, to be appointed as follows:~~

~~(A) A member representing a labor organization that represents tradespersons in this state;~~

~~(B) A member representing a business or entity offering apprenticeships in this state; and~~

~~(C) Two private citizens not employed by, or an officer of, the state or any political subdivision of the state.~~

~~(c) The members designated in this section to be appointed by the Governor are so appointed with the advice and consent of the Senate.~~

~~(d) Only state residents are eligible for appointment to the board.~~

~~(e) Members appointed by the Governor serve a term of five years and are eligible for reappointment at the expiration of their terms. If there is a vacancy among appointed members, the Governor shall appoint a person meeting the requirements of this section to fill the unexpired term. Members of the board serve until the later of the expiration of the term for which the member was appointed or the appointment of a successor.~~

~~(f) Members of the board serve without compensation. The Treasurer may pay all reasonable expenses, including travel expenses, actually incurred by board members in the conduct of their official duties. Expense payments are made from the Jumpstart Savings Expense Account and are made at the same rates and in the same manner as travel reimbursements are paid to state employees.~~

~~(g) The Treasurer is the chairman and presiding officer of the board and shall appoint the employees the board considers advisable or necessary.~~

~~(h) The board shall adopt bylaws and rules of procedure at its first official meeting. A majority of the members of the board constitutes a quorum for the transaction of the business of the board.~~

§18-30A-6. Powers of the board to implement and administer the Jumpstart Savings Program.

(a) The board shall implement and administer the Jumpstart Savings Program in accordance with this article and all applicable laws and regulations.

(b) The board is authorized to take any lawful action necessary to effectuate the provisions of this article and successfully administer the program, subject to applicable state and federal law, including, but not limited to, the following:

(1) Adopt and amend bylaws;

(2) Execute contracts and other instruments for necessary goods and services, employ necessary personnel, and engage the services of private consultants, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice: *Provided*, That selection of these services is not subject to the provisions of §5A-3-1 *et seq.* of this code: *Provided, however*, That all expenditures and monetary and financial transactions shall may be subject to periodic audits by ~~the Office of Chief Inspector, or the Legislative Auditor, or both;~~

(3) Implement the program through use of financial organizations as account depositories and managers, as provided in §18-30A-9 of this code;

(4) Develop and impose requirements, policies, procedures, and guidelines to implement and manage the program;

(5) Establish the method by which funds shall be allocated to pay for administrative costs and assess, collect, and expend administrative fees, charges, and penalties;

(6) Authorize the assessment, collection, and retention of fees and charges against the amounts paid into and the earnings on the trust funds by a financial institution, investment manager, fund manager, West Virginia Investment Management Board, the Board of Treasury Investments, or other professional managing or investing the trust funds and accounts;

(7) Invest and reinvest any of the funds and accounts under the board's control with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or other professional investing the funds and accounts: *Provided*, That investments made under this article shall be made in accordance with the provisions of §44-6C-1 *et seq.* of this code;

(8) Solicit and accept gifts, including bequests or other testamentary gifts made by will, trust, or other disposition; grants; loans; aid; and property, real or personal of any nature and from any source, or to participate in any other way in any federal, state, or local governmental programs in carrying out the purposes of this article: *Provided*, That the board shall use the property received to effectuate the desires of the donor, and shall convert the property received into cash within 90 days of receipt; and

(9) Propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code, including emergency rules when necessary.

(c) The board may enter into agreements with other states or agencies of, subdivisions of, or residents of those states related to the program or a program that is substantially similar to the Jumpstart Savings Program established by another state.

(d) The power and duties of the board provided in this article are in addition to the powers and duties of the board provided in §18-30-1 *et seq.* of this code.

§18-30A-8. West Virginia Jumpstart Savings Program Trust and Trust Fund; and Expense Fund created; administrative account.

(a) The board shall establish There is hereby established the Jumpstart Savings Program Trust, a public instrumentality of the State of West Virginia. The Jumpstart Savings Program Trust shall offer and issue interests in the trust to eligible members of the public.

(b) There is hereby also established a Jumpstart Savings Program Trust Fund Account, titled the Jumpstart Savings Trust Fund, within the accounts held by the Treasurer or with a financial institution, an investment manager, a fund manager, the West Virginia Investment Management Board, the Board of Treasury Investments, or any other person for the purpose of managing and investing the trust fund. Assets of the Jumpstart Savings Program Trust are held in trust for account owners and beneficiaries.

~~(b)~~ (c) The Jumpstart Savings Trust Fund shall receive all moneys from account owners on behalf of beneficiaries or from any other source, public or private. Earnings derived from the investment of the moneys in the Jumpstart Savings Trust Fund shall remain in the fund, held in trust in the same manner as contributions, except as refunded, applied for purposes of the beneficiaries, and applied for purposes of maintaining and administering the program.

~~(c)~~ (d) The corpus, assets, and earnings of the Jumpstart Savings Trust Fund do not constitute public funds of the state and are available solely for carrying out the purposes of this article. Any contract entered into by, or any obligation of the board on behalf of and for the benefit of the program, does not constitute a debt or obligation of the state but is solely an obligation of the Jumpstart Savings Trust Fund.

~~(d)~~ (e) All interest derived from the deposit and investment of moneys in the Jumpstart Savings Trust Fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the trust fund may not be credited or transferred to the State General Fund or to any other fund.

~~(e)~~ (f) In order to fulfill the charitable and public purposes of this article, neither the earnings nor the corpus of the Jumpstart Savings Trust Fund is subject to taxation by the state or any of its political subdivisions.

~~(f)~~ (g) Notwithstanding any provision of this code to the contrary, money in the Jumpstart Savings Trust Fund is exempt from creditor process and not subject to attachment, garnishment, or other process; is not available as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge; and is not subject to seizure, taking, appropriation, or application by any legal or equitable process or operation of law to pay any debt or liability of any account owner, beneficiary, or successor in interest.

~~(g) (1) The Jumpstart Savings Program Expense Fund is hereby established in the State Treasury.~~

~~(2) The Jumpstart Savings Expense Fund shall receive all fees, charges, and penalties collected by the board. Expenditures from the fund are authorized from collections subject to appropriations made by the Legislature.~~

~~(3) All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the Jumpstart Savings Expense Fund.~~

(h) The College and Jumpstart Savings Administrative Account, established in §18-30-8 of this Code, shall receive all fees, charges, and penalties collected by the board. All expenses incurred by the board or the Treasurer in developing and administering the program shall be payable from the College and Jumpstart Savings Administrative Account.

§18-30A-9. Use of financial organizations as program depositories and managers.

(a) The board may implement the program through use of financial organizations as account depositories and managers. The board may solicit proposals from financial organizations to act as depositories and managers of the program. Financial organizations submitting proposals shall describe the investment instruments which will be held in accounts. The board may select more than one financial organization and investment instrument for the program. The board shall select financial organizations to act as program depositories and managers ~~from among the bidding financial organizations that demonstrate the most advantageous combination, both to potential program participants and this state,~~ based on the following criteria:

- (1) The financial stability and integrity of the financial organization;
- (2) The safety of the investment instrument being offered;
- (3) The ability of the financial organization to satisfy recordkeeping and reporting requirements;
- (4) The financial organization's plan for promoting the program and the investment the organization is willing to make to promote the program;
- (5) The fees, if any, proposed to be charged to the account owners;
- (6) The minimum initial deposit and minimum contributions that the financial organization will require;
- (7) The ability of the financial organization to accept electronic deposits and withdrawals, including payroll deduction plans; and
- (8) Other benefits to the state or its residents included in the proposal, including fees payable to the state to cover expenses of operation of the program.

(b) The board may enter into any contracts with a financial organization necessary to effectuate the provisions of this article. Any management contract shall include, at a minimum, terms requiring the financial organization to:

- (1) Take any action required to keep the program in compliance with requirements of this article and any other applicable state or federal law;
- (2) Keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare the statements required by this article and other applicable state and federal laws;
- (3) Compile, summarize, and total information contained in statements required to be prepared under this article and applicable state and federal laws and provide such compilations to the board;
- (4) Provide the board with access to the books and records of the program manager and with any other information needed to determine compliance with the contract, this article, and any other applicable state or federal law;

(5) Hold all accounts for the benefit of the account owner or owners;

(6) Be audited at least annually by a firm of certified public accountants selected by the program manager and provide the results of such audit to the board;

(7) Provide the board with copies of all regulatory filings and reports made by the financial organization during the term of the management contract or while the financial organization is holding any accounts, other than confidential filings or reports that will not become part of the program. The program manager shall make available for review by the board and the Treasurer the results of any periodic examination of such manager by any state or federal banking, insurance, or securities commission, except to the extent that such report or reports may not be disclosed under law; and

(8) Ensure that any description of the program, whether in writing or through the use of any medium, is consistent with the marketing plan developed pursuant to the provisions of this article.

(c) The board may:

(1) Enter into contracts it deems necessary for the implementation of the program, including, but not limited to, a contract with a financial institution, manager, consultant or other professional to provide services to both the Jumpstart Savings Program, and the College Savings Program, established in §18-30-1 et seq. of this code;

(2) Require that an audit be conducted of the operations and financial position of the program depository and manager at any time if the board has any reason to be concerned about the financial position, the record keeping practices, or the status of accounts of such program depository and manager; and

(3) Terminate or decline to renew a management agreement. If the board terminates or does not renew a management agreement, the board ~~shall take custody of accounts held by such program manager and~~ shall seek to promptly transfer such accounts to another financial organization that is selected as a program manager or depository and into investment instruments as similar to the original instruments as possible.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 8—A Bill to repeal §18-30-6a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3; to amend and reenact §18-30-1, §18-30-2, §18-30-3, §18-30-4, §18-30-5, §18-30-6, §18-30-8, §18-30-10, §18-30-11, and §18-30-13 of said code; to amend said code by adding thereto a new section, designated §18-30-3a; and to amend and reenact §18-30A-2, §18-30A-3, §18-30A-5, §18-30A-6, §18-30A-8, and §18-30A-9 of said code, all relating generally to the state's savings and investment programs; continuing the Savings and Investment Program Fulfillment Fund and relocating provisions authorizing said fund to a new article of code; clarifying that moneys in the fund may be used for certain savings and investment programs; updating the West Virginia College Prepaid Tuition and Savings Program Act to reflect the termination of the Prepaid Higher Education Program, Plan, and Trust Fund; eliminating obsolete language related to the Prepaid Tuition Program; providing a short title; defining terms; setting forth legislative findings and rules of statutory construction; continuing the West Virginia College Savings Program;

continuing the Board of the College Prepaid Tuition and Savings Program and redesignating the board as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs; clarifying that the board is a public instrumentality of the state and the issuer of interests in the Savings Plan Trust; increasing the number of board members; establishing qualifications of certain board members; establishing the duties and powers of the board with regard to the College Savings Program; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; continuing the College Prepaid Tuition and Savings Program Administrative Account and redesignating said account as the College and Jumpstart Savings Administrative Account; authorizing certain expenditures from the administrative account; providing that the administrative account is a nonappropriated special revenue account; authorizing the board to take action to satisfy outstanding obligations of the Prepaid Tuition Trust Plan arising after the Plan's closure; continuing the Prepaid Tuition Plan escrow fund; continuing the board's authority to maintain a certain amount in the escrow fund for up to 10 years; continuing the board's authorization to expend moneys from the escrow fund in certain circumstances; requiring the board to invest the moneys in the escrow fund; providing for closure of escrow fund; setting forth legislative findings and rules of statutory construction related to the Jumpstart Savings Program; defining terms; eliminating the West Virginia Jumpstart Savings Board; requiring the Board of Trustees of the West Virginia College and Jumpstart Savings Program to administer the Jumpstart Savings Program; establishing the powers of the Board of Trustees of the West Virginia College and Jumpstart Savings Programs to implement and administer the Jumpstart Savings Program; authorizing the board to enter into agreements with agencies, subdivisions, or other states regarding programs that are substantially similar to the Jumpstart Savings Program; providing that the Jumpstart Savings Program Trust is a public instrumentality of the state and shall issue interests in said trust to eligible members of the public; eliminating the Jumpstart Savings Expense Fund; providing that fees, charges, and penalties collected by the board in administering the Jumpstart Savings Program shall be deposited in the College and Jumpstart Savings Administrative Account; making Jumpstart Savings Program expenses payable from the administrative account; eliminating inapplicable language relating to selecting financial institutions to provide services for the Jumpstart Savings Program based on existing state purchasing exemption; specifying that the board may enter into a contract with financial institutions to provide services to both the College Savings and Jumpstart Savings programs; eliminating requirement that board take custody of Jumpstart Savings accounts prior to transferring accounts to a new program manager; and making numerous technical corrections.

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

Engrossed Senate Bill 8, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 8) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 8) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 4067—A Bill to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7; to amend and reenact §5A-6C-4 of said code; to amend and reenact §12-7-12 of said code; to amend and reenact §14-2A-21 of said code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b of said code; and to amend and reenact §31-18-24 of said code; all relating to making certain agency reports electronic rather than in printed hard-copy form; and eliminating the reporting requirement entirely for those agencies whose reports are no longer needed or whose deadlines have passed with reports already submitted.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 246, Requiring newly constructed public schools and public schools with major improvements to have water bottle filling stations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 246 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to imposing water bottle filling station requirements for newly constructed public school buildings and existing public school buildings undergoing a major improvement; purpose; defining terms; requiring State Board of Education rules; setting forth requirements for any water bottle filling station installed in a public school building; and requiring county boards to permit students in schools with water bottle filling stations to carry water bottles.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 262 (originating in the Committee on Energy, Industry, and Mining), Relating generally to financial institutions engaged in boycotts of energy companies.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 262 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-15, relating generally to financial institutions engaged in boycotts of energy companies; defining terms; authorizing the State Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of energy companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of energy companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of energy companies; and limiting liability of public officials, public employees, members or employees of financial institutions for actions taken in compliance with the new code section and exempting the Investment Management Board.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 437, Providing for early discharge of parolees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 437 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating to granting early discharge to parolees after a minimum of one-year on parole; authorizing the Commissioner of the Division of Corrections and Rehabilitation or his or her designee to request early discharge of a parolee; and providing that the chairperson of the parole board grant early discharge from parole for a parolee upon review of the request for early discharge rather than the decision being made by a panel of the parole board.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Clements and Swope:

Senate Bill 465—A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways.

Referred to the Committee on Transportation and Infrastructure.

By Senators Trump and Weld:

Senate Bill 466—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1A-9, relating to limitations on civil actions or appeals brought by inmates by prohibiting civil actions when an inmate has, on three or more prior occasions, had a civil action or appeal dismissed on the grounds that the action was frivolous, malicious, or for failure to state a claim upon which relief may be granted, with the exception that civil actions may be brought when the inmate alleges they are under imminent danger of serious physical injury; and providing that inmates who bring a civil action asserting they are under imminent danger of serious physical injury must state with particularity the basis of the assertion.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 467—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act; providing legislative findings; giving definitions; creating a tax exemption; and providing for an effective date.

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

By Senators Rucker, Boley, Grady, Karnes, Maynard, Phillips, Roberts, Smith, Stover, Sypolt, Tarr, and Woodrum:

Senate Bill 468—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, §16-2Q-11, §16-2Q-12, §16-2Q-13, and §16-2Q-

14, all relating to creating the Unborn Child with Down Syndrome Protection and Education Act; providing for a short title, legislative finding, and purpose; providing for definitions; creating dissemination of information on fetal disabilities; providing for informational publications by department; providing that abortion may not be performed for down syndrome and other disabilities except in the case of a medical emergency; providing reporting forms and establishing criminal penalties; providing professional sanctions and civil penalties; providing for additional enforcement; providing for construction of the act; creating severability; providing for the right of intervention; and providing for an effective date.

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

By Senators Grady, Clements, Karnes, Phillips, Roberts, Rucker, Stover, Sypolt, and Woodrum:

Senate Bill 469—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons may lawfully possess loaded rifles and shotguns in their vehicles unless the totality of the circumstances indicate that those persons are attempting to take wildlife.

Referred to the Committee on the Judiciary.

By Senator Maroney:

Senate Bill 470—A Bill to amend and reenact §16-30-3, §16-30-4, §16-30-5, §16-30-10, §16-30-13, §16-30-19, §16-30-21, §16-30-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-30C-5 of said code, all relating to health care decisions; defining terms; renaming the physician orders for scope of treatment as portable orders for scope of treatment and indicating that advanced practice registered nurses and physician assistant may complete them within their scope of practice; revising forms of a living will, medical power of attorney, and combined medical power of attorney and living will and specific provisions; providing clarifying language regarding the effect of signing a living will on the availability of medically administered food and fluids; requiring oral food and fluids be provided as desired and tolerated; providing reciprocity for portable orders for scope of treatment or similar medical orders validly executed in another state; providing that forms executed prior to effective date of this bill remain in full force and effect; and providing for effective date.

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

By Senator Maroney:

Senate Bill 471—A Bill to repeal §16-1-8, §16-1-13 and §16-1-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2, §16-1-3 §16-1-4, §16-1-5, §16-1-6, §16-1-7, §16-1-10, §16-1-11, §16-1-12, and §16-1-14 of said code; and to amend and reenact §16-2-2, §16-2-10, §16-2-11, §16-2-12, §16-2-13, §16-2-14, and §16-2-17 of said code; all relating to public health; repealing certain provisions; amending definitions; clarifying duties of the Secretary; amending rule-making authority and the required experience of state health officer; modifying duties of commissioner; clarifying commissioner's service on advisory boards; omitting requirement for annual report on health facility licensing account; modifying provisions on disposition of fees received by commissioner, disbursement of federal aid, and training of employees; clarifying meeting requirements and duties of local board of health; modifying provision concerning appointment of local health officer; amending powers of local health officer

and financial provisions for local boards of health; and omitting Secretary's review of certain legislative rules.

Referred to the Committee on Health and Human Resources.

By Senators Trump and Weld:

Senate Bill 472—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, as amended, relating to permitting a current or former employee of the Division of Corrections and Rehabilitation access to relevant juvenile records for purposes of pursuing a grievance; permitting the release of such records only after a hearing to determine relevancy by the Public Employees Grievance Board; providing for the sealing of such relevant records from public view and the redaction of any identifying information related to the juvenile; placing certain limitations on the grieving party's use of such records; permitting a grieving party's representative access to such records; requiring a court order for any further use of such records outside of the grievance proceeding; subjecting the grievant and grievance representative to criminal penalties for violations of the section; and making technical corrections.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill 473—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, and §21-5J-5, all relating to the rights of applicants and employees to inquire about wages, benefits, and other compensation; and providing for a cause of action for violations.

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

By Senator Tarr:

Senate Bill 474—A Bill to repeal §11-21-12h of the Code of West Virginia, 1931, as amended, relating to the repeal of the modification reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads and paid electronically through use of Parkways Authority Commuter cards.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 475—A Bill to amend and reenact §11-10-27 of the Code of West Virginia, 1931, as amended, relating to the consolidation of all administrative fees collected by the agency into the existing Tax Administration Services Fund; removing the \$3 million cap on the fund; providing that excess amounts in this fund are not converted into the General Fund; consolidating the balances of moneys in various funds collected as fees by, and administered for, the Tax Division of the Department of Revenue reducing the amount of the fee for the state administration of local sales and use taxes; and providing an effective date.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 476—A Bill to amend and reenact §11-12B-3 of the Code of West Virginia, 1931, as amended, relating to the imposition of the minimum severance tax on coal; and making technical corrections to the code.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senators Takubo, Baldwin, Grady, Nelson, Phillips, Romano, Smith, Stollings, Swope, and Sypolt:

Senate Bill 477—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to requiring the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition; addressing eligibility requirements; requiring the commission to promulgate a rule; requiring each award recipient to enter into an agreement which requires repayment of the amount of the grants awarded if the recipient chooses to reside outside the state within the number of years immediately after obtaining the degree or certificate that is equivalent to the number of years the scholarship was received; requiring that the annual award be used to supplement, but not supplant, certain other tuition and fee waivers for which an individual is eligible; clarifying that section does not guarantee a PROMISE Plus scholarship award or any specific amount of a PROMISE Plus scholarship award to any student or that the qualification requirements for PROMISE Plus scholarship will not be changed before the student is eligible; providing that the total cost of all PROMISE Plus scholarships in any year cannot exceed the amount of funds available; creating a special revenue fund in the State Treasury designated as the PROMISE Plus Scholarship Fund; and giving the commission all the same powers and duties with respect to the PROMISE Plus Program as the commission has with respect to the PROMISE Scholarship Program.

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

Senators Stollings and Phillips offered the following resolution:

Senate Concurrent Resolution 18—Requesting the Division of Highways name a portion of Rt. 17, Spruce River Rd., near Ramage, Boone County, beginning at point (37.9856" N) (-81.8223W), at the intersection of Secondary Rt. 20, Six Mile Rd. and Rt. 17, traveling south and ending at point (37.9794N) (-81.8079W) at the intersection with Bias Branch Rd., Secondary Rt. 119/5, traveling approximately 1.1 miles in Boone County, the "U.S. Army SSGT Fred E. Duty Memorial Highway".

Whereas, Fred E. Duty was born November 4, 1922, in Ramage, Boone County, West Virginia, the only son to Hugh and Mary Bell Duty having two sisters, Nancy and Joyce. Fred grew up in Boone County, where he also found the love of his life and married Doris Burton Duty. Fred E. Duty graduated from Scott High School in Boone County, West Virginia, and attended Morris Harvey College in Charleston, West Virginia; and

Whereas, Fred E. Duty was inducted into the U.S. Army on January 5, 1943, and received basic combat training, US Army 12-week ordinance school, and 41C20 fire control artillery repairman training. SSGT Fred E. Duty was a member of the HQ Co 1134th Engineers as a light truck driver for combat engineers and served in battles in Northern France, Ardennes, Rhineland, and Central Europe and was wounded in battle in Germany on March 27, 1945. He was awarded the Purple Heart, American Theater Service Ribbon, European Theater Service Ribbon, African Theater Service Ribbon, Middle Eastern Theater Service Ribbon, World War II Victory Medal, and Good Conduct Medal; and

Whereas, Except for SSGT Fred E. Duty's time serving his country in the military, he lived in Madison his entire life, attended vocational school, and became an electrician. This led to his employment as an electrician for 34 years in the coal mines of Armco Steel where he was a member of the United Mine Workers of America. SSGT Fred E. Duty was a loyal and faithful member of the Madison United Methodist Church where he served as a lay speaker, showing his faith, and leading by example. SSGT Fred E. Duty could regularly be seen quietly performing work for and supporting members of his community in various public service programs both organized and on his own merits. SSGT Fred E. Duty became a dedicated and long serving member of the Veterans of Foreign Wars Post 5578 in Madison, West Virginia. SSGT Fred E. Duty could always be seen serving his community with many activities of the VFW and performing the final rites to fallen comrades at their gravesides on a regular basis until he passed away on August 19, 2019, having served his fellow citizens for over 96 years; and

Whereas, It is fitting that an enduring memorial be established to commemorate to his contributions to state, country, community, and Boone County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Rt. 17, Spruce River Rd., near Ramage, Boone County, beginning at point (37.9856" N) (-81.8223W), at the intersection of Secondary Rt. 20, Six Mile Rd. and West Virginia Rt. 17, traveling south and ending at point (37.9794N) (-81.8079W) at the intersection with Bias Branch Rd., Secondary Rt 119/5, traveling approximately 1.1 miles in Boone County, the "U.S. Army SSGT Fred E. Duty Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of the road as the "U.S. Army SSGT Fred E. Duty Memorial Highway"; and, be it

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

Which, under the rules, lies over one day.

Senators Beach, Caputo, Clements, Maroney, Smith, and Sypolt offered the following resolution:

Senate Resolution 13—Designating January 25, 2022, as West Virginia University Day.

Whereas, West Virginia University is the state's first and largest land-grant university which has been dedicated to serving the citizens of West Virginia for more than 150 years; and

Whereas, West Virginia University offers students the benefits and programs of a major research institution at a price below the national average; and

Whereas, West Virginia University offers more than 360 majors at the bachelor's, master's, doctoral, and professional levels including programs from accounting to forensics; and

Whereas, West Virginia University Extension serves as the primary outreach arm of West Virginia University with an office in each of the state's 55 counties. Agents and specialists deliver

trusted research and innovative solutions to the citizens of West Virginia in the areas of youth development, agriculture, family, and community development; and

Whereas, West Virginia University Extension experts provide career exploration and preparation opportunities for 21ST century jobs particularly in the areas of science, technology, engineering, art, and math; and

Whereas, West Virginia University Extension's 4-H Youth Development program has partnered with the National 4-H Council to bring citizens the 4-H Tech Changemakers program. The program uses 4-H teens to enhance digital inclusion in their communities, thus reducing the growing opportunity gap in areas like education, employment, health care, social fulfillment, and entrepreneurship—particularly in rural and urban communities that are most influential; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 25, 2022, as West Virginia University Day; and, be it

Further Resolved, that the Clerk is hereby directed to forward a copy of this resolution to the President of West Virginia University, E. Gordon Gee and to West Virginia University Extension.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 16, William Gregory "Greg" White, P.E., Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 17, US Air Force 167th Airlift Wing Firefighter/SSgt Logan A. Young Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 44, Requiring State Fire Commission propose rules for sprinkler protection for certain new buildings.

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, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

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. 44) 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 60, Allowing BOE create and provide course in family and consumer sciences in secondary schools.

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 60 pass?"

On the passage of the bill, the yeas were: Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Azinger, Martin, and Sypolt—3.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 60) 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 229, Requiring impact statement in certain instances of school closing or consolidation.

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, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Baldwin, Beach, Maroney, Phillips, and Rucker—5.

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. 229) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 4, Repealing ban on construction of nuclear power plants.

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

Senate Bill 213, Establishing licensed professional counseling compact.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Health and Human Resources.

Senate Bill 214, Updating telepsychology compact.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Health and Human Resources.

Com. Sub. for Senate Bill 221, Establishing occupational therapy compact.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Health and Human Resources.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Senate Bill 1, Creating Mining Mutual Insurance Company.

Com. Sub. for Senate Bill 334, Authorizing miscellaneous agencies and boards to promulgate rules.

Com. Sub. for Senate Bill 417, Relating to authorized expenditures of revenues from certain state funds for fire departments.

Senate Bill 427, Permitting WV Board of Medicine investigators to carry concealed weapon.

And,

Senate Bill 436, Correcting code citation for authority of State Fire Marshal.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel and Weld.

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

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senator Weld were ordered printed in the Appendix to the Journal.

The Senate then 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 January 21, 2022:

Senate Bill 464: Senator Caputo.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 21, 2022:

Senate Bill 18: Senator Stollings;

Senate Bill 20: Senator Stollings;

Senate Bill 46: Senator Stollings;

Senate Bill 264: Senator Hamilton;

Senate Bill 266: Senators Woodrum and Clements;

Senate Bill 272: Senators Grady and Woodrum;

Senate Bill 417: Senator Romano;

Senate Bill 419: Senator Romano;

Senate Bill 420: Senator Romano;

Senate Bill 422: Senator Romano;

Senate Bill 424: Senators Romano and Clements;

Senate Bill 425: Senator Romano;

Senate Bill 427: Senators Maynard and Romano;

Senate Bill 428: Senator Romano;

Senate Bill 435: Senator Romano;

Senate Bill 437: Senator Romano;

Senate Bill 457: Senator Beach;

Senate Bill 459: Senators Woelfel and Trump;

Senate Bill 464: Senator Plymale;

Senate Concurrent Resolution 16: Senator Stollings;

And,

Senate Concurrent Resolution 17: Senators Stollings and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:25 a.m., the Senate adjourned until tomorrow, Tuesday, January 25, 2022, at 11 a.m.

SENATE CALENDAR

**Tuesday, January 25, 2022
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 18 - US Army SSGT Fred E. Duty Memorial Highway

S. R. 13 - Designating January 25, 2022, as West Virginia University Day

THIRD READING

Eng. S. B. 4 - Repealing ban on construction of nuclear power plants

SECOND READING

S. B. 1 - Creating Mining Mutual Insurance Company

Com. Sub. for S. B. 334 - Authorizing miscellaneous agencies and boards to promulgate rules
(original similar to HB4173)

Com. Sub. for S. B. 417 - Relating to authorized expenditures of revenues from certain state
funds for fire departments

S. B. 427 - Permitting WV Board of Medicine investigators to carry concealed weapon

S. B. 436 - Correcting code citation for authority of State Fire Marshal

FIRST READING

Com. Sub. for S. B. 246 - Requiring newly constructed public schools and public schools with
major improvements to have water bottle filling stations

Com. Sub. for Com. Sub. for S. B. 262 - Relating generally to financial institutions engaged in
boycotts of energy companies

Com. Sub. for S. B. 437 - Providing for early discharge of parolees

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2022

Tuesday, January 25, 2022

10 a.m.

Transportation & Infrastructure

(Room 451M)