

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2021
TWENTY-EIGHTH DAY

Charleston, West Virginia, Tuesday, March 9, 2021

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Monday, March 8, 2021,

At the request of Senator Stollings, 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:

Lottery Commission (§29-22-20)

Sanitarians, Board of (§30-1-12)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 280, Relating to e-commerce modernization.

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, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

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 2, line 25, by removing “substantially equivalent” and inserting “similar”;

And,

On page 3, line 56, “substantially equivalent” and inserting “similar”;

And,

On page 6, after line 126 by inserting the following:

“§30-3-11. Endorsement of licenses to practice medicine and surgery and podiatry; fees; temporary license; summer camp doctors.

(a) (1) Any person seeking to be licensed to practice medicine and surgery in this state who holds a valid license to practice medicine and surgery attained under requirements ~~substantially~~ similar to the requirement of section ten of this article from another state, the District of Columbia, the Commonwealth of Puerto Rico or Canada; ~~and or~~

(2) Any person seeking to be licensed to practice podiatry in this state who holds a valid license to practice podiatry attained under requirements ~~substantially~~ similar to the requirements in section ten of this article from another ~~state, territory or foreign country or the District of Columbia~~ jurisdiction shall be issued a license to practice ~~medicine and surgery or~~ podiatry, as appropriate, in this state if he or she meets the following requirements:

~~(1)~~ (A) He or she must submit an application to the board on forms provided by the board and remit a ~~reasonable~~ licensure fee, ~~the amount of such reasonable fee to be set by the board as provided in legislative rule.~~ The application must, as a minimum, require a statement that the applicant is a licensed physician or podiatrist in good standing and indicate whether any medical disciplinary action has been taken against him or her in the past; and

~~(2)~~ (B) He or she must demonstrate to the satisfaction of the board that he or she has the requisite qualifications to provide the same standard of care as a physician or podiatrist initially licensed in this state.

(b) The board may investigate the applicant and may request a personal interview to review the applicant’s qualifications and professional credentials.

(c) The board may ~~at its discretion,~~ grant a temporary license to an individual applying for licensure under this section if the individual meets the requirements of ~~subdivision (1), subsection (a) of this section~~ of this section. Such A temporary license issued by the board authorizes the holder to practice medicine and surgery or podiatry in West Virginia for the term of the temporary license, and includes full prescriptive authority. The temporary license ~~shall only be~~ is valid until its holder has either been granted or denied a license at the next regular meeting of the board. ~~until the board is able to meet and consider the endorsement request~~ The board may fix and

collect a reasonable fee for a temporary license, ~~the amount of such reasonable fee to be set by the board~~ as provided in legislative rule.

(d) The application fee shall be waived, and to the extent consistent with the integrity of the licensure process and the requirements for licensure as set forth in this section and in the relevant legislative rules, the board shall expedite its processing of an individual's application to practice medicine and surgery, or practice podiatry: *Provided*, That the sole purpose for licensure is to provide services at a children's summer camp for not more than one specifically designated three week period annually. The license shall be issued for a period of the specifically designated three weeks only, on an annual basis.;

And,

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

Eng. Senate Bill 372—A Bill to amend and reenact §30-3-10 and §30-3-11 of the Code of West Virginia, 1931, as amended, all relating to the practice of medicine; establishing criteria for graduate clinical training; updating terminology; updating rulemaking authority; and clarifying authority conferred by a temporary permit.

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

Engrossed Senate Bill 372, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 372) passed with its House of Delegates amended title.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2024—A Bill to repeal §30-3-13a and §30-14-12d of the Code of West Virginia, 1931, as amended; to amend and reenact §30-1-26 of said code; all relating to telehealth services; defining terms; establishing a registration; permitting health care practitioners licensed in other states, in good standing, to practice in West Virginia using telehealth services; providing emergency rulemaking authority; setting forth requirements for registration; permitting a fee for registration; placing a cap on the fee; permitting physician-patient relationship to begin with an audio-only call or conversation in real time; requiring a registrant to report certain information to the board; and clarifying that a registrant is subject to the laws of this state

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 2221—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, §33-60-9, and §33-60-10 all relating to the establishment of an insurance innovation process; defining terms; setting forth application requirements; prohibiting certain persons from applying; providing for the acceptance or rejection of the application by the Insurance Commissioner; requiring that the Insurance Commissioner set forth certain terms and conditions that will govern a proposed insurance innovation; providing that the Insurance Commissioner issue a limited no-action letter that establishes a safe harbor under which the commissioner will not take administrative or regulatory action against a participant or client of the participant; establishing the time period of the safe harbor and for the extension thereof; setting forth the requirements that a participant must adhere to during the safe harbor period; providing for penalties regarding violations of the terms contained in a limited no-action letter; providing the right to an administrative hearing; setting forth the criteria for the Insurance Commissioner to issue an extended no-action letter; providing for what the extended no-action letter must contain; requiring that documents and other information submitted to the Insurance Commissioner in relation to the insurance innovation be confidential and privileged; allowing the Insurance Commissioner to disclose in the extended no-action letter any information necessary to clearly establish the safe harbor; requiring the Insurance Commissioner to provide reports to the Joint Committee on Banking and Insurance regarding the activities pertaining to insurance innovation applications; allowing the Insurance Commissioner to enter into reciprocity agreements with state, federal, or foreign regulatory agencies; and allowing for rulemaking.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2335—A Bill to amend and reenact §17C-5-1 and §17C-5-2 of the Code of West Virginia, 1931, as amended relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident and relating to increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2363—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-217a, §48-1-239a, §48-1-241a, §48-1-241b, and §48-9-204a; to amend and reenact §48-1-210, §48-1-218, §48-1-219, §48-1-220, §48-1-239, §48-1-241, §48-1-303, §48-9-101, §48-9-102, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-208, §48-9-209, §48-9-301, §48-9-401, §48-9-402, §48-9-403, §48-9-601, §48-9-602 and §48-9-603 of said code, all relating generally to the public policy recognition and preservation of the fundamental constitutional rights of all parents to raise their own children and that it is presumptively in the best interest of children to be raised by both of their parents

equally; creating the “Best Interests of the Child Protection Act of 2021”; defining “Full adversarial judicial hearing”, “shared legal custody”, “shared physical custody”, and “sole physical custody”; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children in cases of divorce to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans, modifications to parenting plans and parental relocations consider that the presumption of co-equal shared legal and physical custody is in the best interests of a child; requiring courts to consider such presumption of co-equal shared legal and physical custody being in the best interests of a child when determining significant parental decision making responsibility, legal and physical custody and parenting time allocation; establishing certain procedural safeguards in the judicial review and allocation of parenting plans; establishing both parents’ rights to school and medical records of their children; providing parents in a shared parenting plan each have the authority to make a child’s health care decisions, delineating relevant factors to be considered by Courts in determining the structure of a shared parenting plan; providing certain exceptions to the confidentiality of domestic relations court files; providing certain findings; creating rebuttable presumption that equal custody generally is in the best interest of a child; providing additional criteria to be consulted in temporary parenting plans; requiring the adoption of model parenting schedules; delineating factors for allocation of custodial responsibility and significant decision-making responsibility; providing for sibling contact in criteria for parenting plans; providing added limiting factors in parenting plans; providing additional criteria for court-ordered investigations; providing additional criteria for modifications in changed circumstances; providing additional criteria for consideration when a parent relocates; providing additional criteria for parental rights to access children’s records; and providing effective dates.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2701—A Bill to amend and reenact §17B-2B-1, §17B-2B-2, §17B-2B-4 and §17B-2B-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G driver’s license.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. House Bill 2709—A Bill to amend and reenact §31A-8G-4 of the Code of West Virginia, 1931, as amended, relating to the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2764—A Bill to amend and reenact §31A-8G-3 of the Code of West Virginia, 1931, as amended, relating to allowing the Division of Financial Institutions enter into agreements

with state, federal or foreign regulatory agencies to allow persons who make an innovative financial product or service available in West Virginia, under the program available under the West Virginia FinTech Regulatory Sandbox Act, to make their products or services available in other jurisdictions and to allow persons operating in similar regulatory sandboxes in other jurisdictions to make innovative financial products and services available in West Virginia under the standards provided in the West Virginia FinTech Regulatory Sandbox Act.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2765—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. House Bill 2905—A Bill to repeal §61-10-21 of the Code of West Virginia, 1931, as amended, relating to repealing the prohibition against the use of certain words.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 303, Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act.

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

Com. Sub. for Senate Bill 303 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing areas in which political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to obtain injunctive relief or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective

date of chapter is void; and providing that the prohibitions do not apply to employees of a political subdivision.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 398, Relating to moratorium on PEIA coverage with exceptions.

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

Com. Sub. for Senate Bill 398 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-29, relating to limiting employer eligibility for participation in plans by the Public Employees Insurance Agency.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the committee on Finance.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill (Com. Sub. for S. B. 398), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 437, Extending contingent increase of tax rate on certain eligible acute care hospitals.

And,

Senate Bill 494, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 493, Issuing license suspensions to insurance producers and adjusters who fail to meet CE requirements.

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

Com. Sub. for Senate Bill 493 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-12-8 and §33-12-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-12B-13 and §33-12B-14 of said code, all relating to the issuance of license suspensions to insurance producers and insurance adjusters who failed to meet continuing education requirements and contact information; replacing the requirement that the Insurance Commissioner send notice of license suspensions by certified mail with a requirement that notice be sent by electronic mail or regular mail; requiring that insurance producers and insurance adjusters report electronic mail addresses and contact information to the Insurance Commissioner; and requiring the Insurance Commissioner to maintain certain information.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 496, Relating to punishment for second or third degree felony.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 514, Providing criteria for Natural Resource Commission appointment and compensation.

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

Com. Sub. for Senate Bill 514 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended relating to the Natural Resources Commission; providing for the composition and membership of the commission; providing criteria and qualifications for the appointment of commissioners; and providing for reimbursement of expenses for commissioners.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Joint Resolution 2, Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution, under the original double committee reference, was then referred to the Committee on Finance.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the consideration of

Eng. Senate Bill 372, Providing greater discretion to WV Board of Medicine to approve graduate clinical training.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

Senator Takubo moved that the bill take effect from passage.

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

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

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 372) takes effect from passage.

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

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

Senate Bill 600—A Bill to amend and reenact §11-13A-3 and §11-13A-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-13A-3f; to amend and reenact §11-15-2, §11-15-3, §11-15-8, §11-15-9, and §11-15-9h of said code; to amend and reenact §11-15A-2 of said code; to amend and reenact §11-16-13 of said code; to amend and reenact §11-17-3 and §11-17-4b of said code; to amend said code by adding thereto a new article, designated §11-18-1, §11-18-2, §11-18-3, §11-18-4, §11-18-5, §11-18-6, §11-18-7, and §11-18-8; to amend and reenact §11-19-2 of said code; to amend and reenact §11-21-77 of said code; to amend said code by adding thereto two new sections, designated §11-21-4g and §11-21-25; to amend and reenact §60-3A-17 of said code; and to amend and reenact §60-8-4 of said code, all relating to optimizing economic efficiency and revenue efficiency of the West Virginia tax structure, across multiple facets of the tax system, and to modernize state taxation to reflect best practices, and standards for an integrated tax system; relating to the severance tax imposed on the privilege of severing coal, oil, natural gas and natural gas liquids, for sale, profit, or commercial use; specifying classifications of certain natural resources; specifying tiered rates for certain classifications of natural resources; imposing tax on natural gas liquids; specifying tax rate on severance of natural gas liquids; increasing the excise tax on bottled soft drinks and dry mixtures; changing the rate of the consumers sales and service tax and use tax; relating to the imposition of the consumers sales and service and the use tax upon the provision of professional services; exempting from tax the provision of professional medical services and professional veterinary services; relating to the imposition of the consumers sales and service and use tax on advertising services, lottery tickets, electronic data processing, personalized fitness services, and certain high technology services and equipment; relating to increasing the rate of the beer barrel tax; relating to increasing the excise tax on cigarettes, other tobacco products, and e-cigarette liquid; relating to imposition of a tax on luxury items sold, used, or delivered into West Virginia; imposing tax on certain luxury items; specifying rates; specifying aggregation of sales; specifying incidence of tax; specifying economic nexus; specifying tax in addition to other taxes; specifying tax returns and payment and combined return; specifying application of West Virginia Tax Procedure and Administration Act; specifying application of West Virginia Tax Crimes and Penalties Act; providing an increase in the rate of the wine liter tax; reducing the personal income tax rates on nonbusiness income beginning after December 31, 2021; similar rate reductions are provided for married taxpayers filing separately; providing for separate rates, modifications, credits, and method for calculation personal income tax for certain

types of unearned and business income; providing a tax credit for low income households to offset the sales tax increase; providing for early payment of the credit; setting a minimum wholesale markup percentage for liquor sales; making technical corrections; specifying effective dates; authorizing promulgation of rules; and defining terms.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 601—A Bill to amend and reenact §6C-2-3 and §6C-2-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6C-3-1 of said code, all relating to West Virginia public employee grievance procedure; requiring a notarized grievance form; outlining the grievance motion to dismiss procedure; providing for the payment of attorney's fees; and providing requirements for West Virginia Public Employees Grievance Board appointees.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 602—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 Senator Maroney:

Senate Bill 603—A Bill to amend and reenact §29-22D-2, §29-22D-3, §29-22D-4, §29-22D-6, §29-22D-17, and §29-22D-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-22D-15a; to amend and reenact §29-22E-2, §29-22E-3, §29-22E-4, §29-22E-6, §29-22E-17, and §29-22E-22 of said code; and to amend said code by adding thereto a new section, designated §29-22E-15a, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities; permitting wagering on interactive games authorized as West Virginia Lottery interactive wagering activities; providing legislative findings; defining terms; prescribing commission duties and powers; establishing license requirements and prohibitions; authorizing new market entrants; creating the West Virginia Lottery Sports Wagering Fund; creating the West Virginia Lottery Interactive Wagering Fund; and preempting this article from state and local law.

Referred to the Committee on Finance.

By Senator Lindsay:

Senate Bill 604—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, and to amend and reenact §24A-2-2b of said code, all relating to emergency towing services; requiring county commissions to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; and defining a term.

Referred to the Committee on Government Organization.

By Senator Phillips:

Senate Bill 605—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 the promulgation of a tax on digital advertisement in the State of West Virginia; defining terms; providing for a tax on gross revenue of digital advertising in the state; establishing gross revenue tax rates digital advertising; establishing digital advertising tax return procedure; and establishing procedure for the payment of the gross revenue digital advertising tax.

Referred to the Committee on Finance.

By Senator Stollings:

Senate Bill 606—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, and §16-63-5, all relating to access to nonpublic restrooms by individuals with certain medical conditions and under specified circumstances; and providing criminal penalty for violation.

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

By Senator Nelson:

Senate Bill 607—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating to paid or unpaid family leave time; granting a total of 12 weeks under the Parental Leave Act based on at least 12 consecutive months of performing services for remuneration within this state for any department, division, board, bureau, agency, commission, or other unit of state government, or any county board of education; and specifying conditions for which the leave time is granted.

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

By Senators Phillips and Stollings:

Senate Bill 608—A Bill to amend and reenact §16-4C-4 of the Code of West Virginia, 1931, as amended, relating to requiring that the secretary appoint a Director of the Office of Emergency Medical Services.

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

Senators Takubo, Nelson, and Weld offered the following resolution:

Senate Concurrent Resolution 19—Requesting the Division of Highways name bridge number 20-060/00-028.94 (20A347), locally known as 13th St. Overpass, carrying US 60 over CR 60/18 in Kanawha County, the “U.S. Army SSG Elson M. Kuhn Memorial Bridge”.

Whereas, U.S. Army SSG Elson Merrill Kuhn was born on September 28, 1921, in Bim, West Virginia, and attended Van High School. He served in the First Cavalry Division, U.S. Army, in the Pacific Theater, comprising the Philippines, New Guinea, New Caledonia, and the occupation force in Japan during World War II as duration duty orders, entering in 1942, and honorably discharged as a Staff Sergeant on January 14, 1946; and

Whereas, After serving in the U.S. Army for four years, SSG Elson Merrill Kuhn returned to West Virginia to work for the coal industry and in an industrial baseball league, which was popular after the post-war era. He remained employed in the mining industry for a 40-year career as an electrician, after becoming licensed by the state and federal government; and

Whereas, Before U.S. Army, SSG Elson Merrill Kuhn contributed significantly to the building and upkeep of Kanawha State Forest through his membership in the Civilian Conservation Corps No. 2599 S76 Camp at Kanawha State Forest, assisting in building the recreation areas and other infrastructure, including the dam, roads, fire towers, bridges, restrooms, picnic shelters, and the log home of the superintendent. Throughout his life, he also participated in raising funds, building shelters, replacing dilapidated foot bridges, and holding reunions at Kanawha State Forest; and

Whereas, U. S. Army SSG Elson Merrill Kuhn died after a long illness on Tuesday, September 9, 2003, at Hubbard Hospice House in Charleston, West Virginia. He died at the age of 81, leaving behind a wife of 56 years, seven children, 11 grandchildren, eight great-grandchildren, two siblings, and many nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SSG Elson M. Kuhn and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-060/00-028.94 (20A347), locally known as 13th St. Overpass, carrying US 60 over CR 60/18 in Kanawha County, the “U. S. Army SSG Elson M. Kuhn Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SSG Elson M. Kuhn Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Nelson, Azinger, Martin, Phillips, Takubo, and Weld offered the following resolution:

Senate Concurrent Resolution 20—Expressing support for the Jones Act and celebrating the centennial anniversary of the Jones Act.

Whereas, West Virginia is committed to creating and maintaining a safe, effective, and efficient transportation system that enhances opportunity for the people and communities of West Virginia and the United States; and

Whereas, The current pandemic has demonstrated the critical importance of maintaining resilient domestic industries and transportation services to the citizens and workforce of West Virginia; and

Whereas, The Merchant Marine Act of 1920, known as the Jones Act and codified in Title 46 of the United States Code, requires that vessels carrying cargo between locations in the United States be owned by American companies, crewed by American mariners, and built in American shipyards; and

Whereas, America’s ability to project and deploy forces globally, and supply and maintain military installations domestically, depends on the civilian fleet of Jones Act vessels and mariners; and

Whereas, Mariners aboard Jones Act vessels strengthen America's homeland security as added eyes and ears monitoring the nation's 95,000 miles of shoreline and 25,000 miles of navigable inland waterways; and

Whereas, West Virginia is home to over 3,300 maritime jobs supported by the Jones Act, which generates \$171.7 million in labor income; and

Whereas, Maritime industry jobs create ladders of opportunity through high-paying, family wage careers that offer significant career advancement without generally necessitating advanced formal education and extensive student loans; and

Whereas, The more than 40,000-vessel strong Jones Act fleet supports nearly 650,000 family wage jobs and over \$154 billion in economic output nationally, and \$800 million to the West Virginia economy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Senate expresses its support for the Jones Act and celebrates the centennial anniversary of the Jones Act; and, be it

Further Resolved, That the Senate affirms its resolute support for the Jones Act and in fostering a strong domestic maritime industry that is critical to West Virginia's and the nation's economic prosperity and national security; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of the West Virginia Congressional Delegation.

Which, under the rules, lies over one day.

Senators Phillips and Stollings offered the following resolution:

Senate Concurrent Resolution 21—Requesting the Division of Highways name a portion of County Route 30/1, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the "U.S. Army SGT Charles L. Toppings Memorial Road".

Whereas, Charles L. Toppings was born in Man, West Virginia, on October 13, 1930, the son of Sesco and Elva Toppings; and

Whereas, Charles L. Toppings was a graduate of Hamlin High School and entered the U.S. Army; and

Whereas, SGT Charles L. Toppings served in Company C, 72nd Tank Battalion, 2nd Infantry in Korea; and

Whereas, On May 18, 1951, SGT Charles L. Toppings distinguished himself by heroic achievement near Chaun-ni, Korea, while riding in a tank retriever attempting to run an enemy roadblock. The retriever crew saw several wounded soldiers exposed to enemy fire when SGT Charles L. Toppings, while being exposed to enemy fire, manned a machine gun and delivered heavy fire on the enemy. He then left the retriever and moved the wounded soldiers into the retriever; and

Whereas, SGT Charles L. Toppings, for his heroism on that day, was awarded the Bronze Star; and

Whereas, SGT Charles L. Toppings worked for the C&O Railroad in West Virginia for over 30 years; and

Whereas, SGT Charles L. Toppings passed away on April 5, 2017, survived by three sons: Charles Toppings and wife, Sheila; William (Bill) Toppings and wife, Vicki; and Steve Toppings and wife, Karen; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Charles L. Toppings and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of County Route 30/, beginning at (38.239066), (-82.192876) and ending at (38.239066), (-82.200978), locally known as Sheridan Road, in Lincoln County, the "U.S. Army SGT Charles L. Toppings Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the "U.S. Army SGT Charles L. Toppings Memorial Road"; and, be it

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

Which, under the rules, lies over one day.

Senators Lindsay, Jeffries, Phillips, Blair (Mr. President), Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Karnes, Maroney, Martin, Maynard, Nelson, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Woodrum offered the following resolution:

Senate Resolution 17—Memorializing the life of Patrolman Cassie Marie Johnson, daughter, sister, pet mother, hero to her community, and dedicated public servant.

Whereas, Officer Johnson was a lifelong resident of Charleston, West Virginia, and a graduate of Capital High School; and

Whereas, Officer Johnson had a love for animals that was unmatched, which led her to joining the City of Charleston as a Humane Officer on Oct. 2, 2017; and

Whereas, Officer Johnson was a 2019 graduate of the 177th Basic Police Class of the West Virginia State Police Academy; and

Whereas, Officer Johnson was sworn into the Charleston Police Department as a Patrolman on January 11, 2019; and

Whereas, During her time as a Humane Officer, Officer Johnson would find stray pets and bring them into the humane association; and

Whereas, During her time as a Patrolman, Officer Johnson would help get convictions in animal cruelty cases and help find homes for animals whose cases she was involved in; and

Whereas, Officer Johnson had many pets of her own that she cared for and loved, including Emma, Gus, Tanner, Rascal, and Momma Cat; and

Whereas, Officer Johnson's love for her community quickly made her one of the most likeable members of the force; and

Whereas, Officer Johnson's classmates at the West Virginia State Police Academy remember how much of a positive impact she had on them with her uplifting spirit and encouraging words; and

Whereas, Members of the Charleston community remember how Officer Johnson used her love of animals to bond with the community she served and to bring joy to all of those she knew; and

Whereas, On December 1, 2020, Officer Johnson was shot in the line of duty while responding to a parking complaint; and

Whereas, Sadly, Patrolman Cassie Marie Johnson succumbed to her injuries and passed away on December 3, 2020; and

Whereas, After her death, Officer Johnson continued her commitment to service by giving the gift of life to four people who received her organ donations; and

Whereas, Officer Johnson's ceremonial End of Watch Call came on December 8, 2020, where she was given a hero's funeral in the City of Charleston, attended by law enforcement from across the state and country; and

Whereas, Officer Johnson will forever be remembered for her service to the City of Charleston and to the great State of West Virginia; and

Whereas, Officer Johnson will be sadly missed by her family, friends, colleagues, the community of Charleston, the State of West Virginia, and all those whose lives she touched; and

Whereas, Unit 146 is permanently retired in honor and memory of Charleston Patrolman Cassie Marie Johnson; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of Patrolman Cassie Marie Johnson, daughter, sister, pet mother, hero to her community, and dedicated public servant; and, be it

Further Resolved, That the Senate hereby extends its sincere sympathy to the family of Patrolman Cassie Marie Johnson on her passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Patrolman Cassie Marie Johnson.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 16, USMC Corporal Roger Lee Boothe Memorial Road.

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, USMC Captain Dempsey Stowers 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 18, Curtis “Pap” and Millie “Mammie” Asbury 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 Resolution 16, Amending Senate Rule 14 relating to introduction of concurrent resolutions.

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

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 39, Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer.

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 39 pass?”

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

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 39) passed with its title.

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

Com. Sub. for Senate Bill 334, Establishing license application process for needle exchange programs.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, March 8, 2021, for amendments to be received on third reading, was reported by the Clerk.

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

On page four, section two, line twenty-four, by striking out the word “and”;

On page four, section two, after line twenty-four, by inserting the following:

(11) The sheriff from the county in which the applicant is located or proposing to locate the needle exchange program shall provide a letter of support; and;

And by renumbering the remaining subdivision;

On page six, section three, line thirty-four, by striking out the word “and”;

On page six, section three, line thirty-six, after the word “person;” by inserting the word “and”;

On page six, section three, after line thirty-six, by inserting the following:

(l) Proof of West Virginia identification upon dispensing of the needles.;

On page seven, section four, line nine, after the word “commissioners” by inserting the words “or the county sheriff”;

On page eleven, section eleven, by striking out the section caption and inserting in lieu thereof the following:

§16-63-11. Coordination with continuum of care and effective date. ;

And,

On page eleven, section eleven, after line five, by adding the following:

(c) Upon passage any existing provider not offering the full array of harm reduction services, six months prior to passage, as set forth in this section shall cease and desist offering all needle exchange services. Any provider offering the full array of harm reduction services shall have until January 1, 2022 to come into compliance with this section. Any new provider shall have until January 1, 2022 to come into compliance with the provisions of this section.

Following extended discussion,

The question being on the adoption of Senator Tarr’s amendments to the bill, the same was put and prevailed.

On motion of Senator Stollings, the following amendment to the bill (Com. Sub. for S. B. 334) was next reported by the Clerk:

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

ARTICLE 54. OPIOID REDUCTION ACT.**§16-54-10. Surcharge on Schedule II Opioid Drugs.**

(a) For the purpose of providing additional revenue for local health departments and other state agencies on the front lines of the opioid epidemic including, but not limited to, responsible needle exchange programs, effective counseling and rehabilitation, and necessary medical treatment, there is hereby authorized and imposed on and after the first day of July, two thousand and twenty-one, on the first sale of every opioid drug in this State a surcharge equal to one cent per pill, patch, or five cubic centimeters in liquid form of every opioid drug unit. The surcharge imposed by this section shall be charged against and paid by the manufacturer or distributor making such first sale and shall accrue at the time of such sale.

(b) There shall be a rebuttal presumption that any sale of an opioid drug unit in this State is the first sale.

(c) This opioid surcharge shall be collected and remitted to the secretary on a quarterly basis on or before the twenty-fifth day of the month succeeding the end of the quarter in which it is collected, except for the fourth quarter for which the surcharge shall be remitted on or before the first day of March of the succeeding year.

(d) Any person failing or refusing to collect and remit to the secretary any opioid surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing is liable for a civil penalty of up to one hundred dollars for each day of delinquency, to be assessed by the secretary.

(e) All money from the opioid surcharge and civil penalties shall be collected by the secretary who shall disburse the money received from the surcharge into a special account in the State Treasury, designated the Opioid Recovery Fund.

(f) The secretary shall promulgate emergency rules and propose legislative rules for legislative approval in accordance with the provision of article three, chapter twenty-nine-a of this code to effectuate the requirements of this section.

(g) There is hereby created in the State Treasury a special revenue account, which shall be an interest bearing account, to be known as the Opioid Recovery Fund. The special revenue account shall consist of the opioid surcharge, any appropriations that may be made by the Legislature, income from the investment of moneys held in the special revenue account and all other sums available for deposit to the special revenue account from any source, public or private. No expenditures, for purposes of this section, are authorized from collections except in accordance with the provisions of article three [§§ 12-3-1 *et seq.*], chapter twelve of this code and upon fulfillment of the provisions set forth in article two [§§ 11B-2-1 *et seq.*], chapter eleven-b of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. The secretary is authorized to expend funds from the account to develop and implement effective opioid counseling, rehabilitation, and recovery programs; assist and support needle exchange programs including, but not limited to, ensuring safe and responsible needle litter disposal; assist and support local health departments in their general mission of public health and addressing the opioid epidemic; and to defray necessary expenses incidental to those and other activities associated with opioid addiction and recovery.

ARTICLE 63. NEEDLE EXCHANGE PROGRAMS.**§16-63-1. Definitions.**

As used in this article, the term:

“Administrator” means a person having the authority and responsibility for operation of the needle exchange program and serves as the contact for communication with the Director of the Harm Reduction Program.

“Applicant” means the entity applying for a license under this section.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

“Board of Review” means the board established in §9-2-6(13) of this code.

“Core services” means the primary services an entity undertakes in order to service its clients.

“Director” means the Director of the Office of Health Facility Licensure and Certification.

“Fixed site” means a building or single location where needle exchange services are provided.

“Good faith” means compliance with the best practices of the Centers for Disease and Control or the American Medical Association relating to syringe services programs.

“Harm reduction services” means services intended to lessen the adverse consequences of drug use and protect public health and safety, and includes, but is not limited to, a referral to substance disorder treatment programs, screening, care and treatment for hepatitis and HIV, education about overdose prevention, vaccinations, screening for sexually transmitted diseases, abscess wound care, Naloxone distribution and education, and referral to social, mental, and other medical services.

“HIV” means the etiologic virus of AIDS or Human Immunodeficiency Virus.

“Injection drug user” means a person who uses a syringe to self-administer drugs.

“License” means the document issued by the Bureau authorizing the Harm Reduction Program to operate.

“Local health department” means a health department operated by local boards of health, created, established, and maintained pursuant to §16-2-1 *et seq.* of this code.

“Location” means a site within the service area of a local health department. A location can be a fixed site or a mobile site.

“Mobile site” means a location accessible by foot or vehicle that is not at a fixed indoor setting. A provider shall have a fixed site located in West Virginia in order to operate a mobile site in the state or have received an independent license to operate the mobile location.

“Needle” means both the needle and syringe used to inject fluids into the body.

“Needle exchange program” means a community based program that provides access to sterile needles and syringes, facilitates safe disposal of used needles, and provides a link to other important services and programs including, but not limited to, a referral to substance use disorder treatment programs, screening, care and treatment for hepatitis and HIV, education about overdose prevention, vaccinations, screening for sexually transmitted diseases, abscess wound care, Naloxone distribution and education, and referral to social, mental, and other medical services.

“Needlestick injury” means a penetrating wound from a needle that may result in exposure to blood.

“Needlestick injury protocol” means policies and procedures to prevent needlestick injury to needle exchange staff, including volunteers, community members, and to needle exchange participants.

“Public comment period” means a 30-day public comment period commencing from the date the applicant posts information about an application in a newspaper of general circulation in the service area of the local health department.

“Service area” means the territorial jurisdiction of the local board of health.

“Sharps waste” means used needles, syringes, and lancets.

“Staff” means anyone who provides needle exchange services on behalf of a program.

“Syringe” means both the needle and syringe used to inject fluids into the body.

“Viral hepatitis” means any of the forms of hepatitis caused by the virus, including HBV HCV.

§16-63-2. Application for license to offer needle exchange programs.

(a) All new and existing needle exchange programs shall require a license.

(b) To be eligible for a license, a needle exchange program shall:

(1) Submit an application to the Office for Health Facility Licensure and Certification on a form approved by the director;

(2) Provide the name under which it will be operating;

(3) Provide a brief description of the services, including how each requirement for licensure will be met (i.e. behavioral health, birth control, etc.);

(4) Provide the full name, title, email address, and telephone number of the individual designated by the applicant as the administrator of the needle exchange program;

(5) Provide the hours of operation of the location, and staffing;

(6) Provide a specific description of services related to the provision of education and materials for the reduction or absence of other needle exchange services in the proposed location;

(7) Provide a specific description of the proposed applicant's ability to provide referrals to facilitate entry into drug abuse treatment, including opioid substitution therapy;

(8) Provide a specific description of the proposed applicant's ability to encourage usage of medical care and mental health services as well as social welfare and health promotion;

(9) Pay an application fee of not more than one hundred dollars;

(10) Provide a written statement from a majority of the county commission for the county in which it is located or is proposing to locate, that the needle exchange program:

(A) Is not prohibited by local ordinance; and

(B) That a majority of the county commission supports the program; and

(11) Publish a notice beginning the 30-day public comment period, not to exceed 150 words, in a newspaper of general circulation in the proposed service area and posted on the applicant's website that provides a summary of the proposed application and includes the name of the applicant's organization. The notice must state in all caps "PROPOSED NEEDLE EXCHANGE PROGRAM IN" the proposed county. The public may submit comments about an application during the 30-day public comment period.

§16-63-3. Program requirements.

(a) In order to be approved for a license, a needle exchange program shall offer the following, which shall be documented in the application:

(1) Referrals to a full array of harm reduction services including, but not limited to, the following:

(A) Drug abuse treatment services;

(B) HIV and hepatitis screening and education;

(C) Hepatitis A, B, and C vaccination and testing;

(D) Screening for sexually transmitted diseases;

(E) The provision of long-term birth control;

(F) The provision of behavioral health services;

(G) Overdose prevention supplies and education;

(H) Syringe collection and sharps disposal;

(I) Educational services related to disease transmission;

(J) Treatment shall be offered at every visit by a qualified licensed health care provider;

(K) The applicant shall make services available for participants to facilitate the individual entering rehabilitation or detoxification;

(L) The applicant shall make the appropriate referral to existing providers for treatment of medical conditions; and

(M) Programmatic guidelines including a sharps disposal plan, a staff training plan, a data collection and program evaluation plan, and a community relations plan; and

(2) A clean syringe exchange program, including, but not limited to, the following:

(A) A dedicated staff member assigned to recover discarded syringes from the program in the service area, with the clear objective of reducing the transmission of blood-borne diseases within a specific geographic area;

(B) Exclusion of minors from participation in the program;

(C) A good faith effort to uniquely identify each needle provided by the needle exchange program with a goal to track each needle;

(D) A good faith effort to recover or otherwise assure proper and safe disposal of each needle distributed by the needle exchange program;

(E) A program or facility may substitute weighing the volume of needles returned versus dispensed as specified;

(F) This substitution is only permissible if it can be done accurately and in the following circumstances:

(i) The needles shall be contained in a clear container; and

(ii) A visual inspection of the container shall take place prior to the needles being weighed; and

(G) The licensee, whether fixed or mobile, shall distribute the needle directly to the program recipient, and shall not distribute a needle to a program recipient for another person;

(3) A staff training protocol including, but not limited to, the following:

(A) Orientation to the applicant's services and eligibility requirements of the program;

(B) Overview of the needle exchange philosophy and the harm reduction model used by the program;

(C) The applicant's policies and procedures that explain syringe exchange transactions;

(D) Handling disposal of infectious waste and needlestick prevention management;

(E) Procedures for making referrals, including primary care, detoxification and drug treatment, HIV counseling and testing, prenatal care, tuberculosis, and Hepatitis A, B, and C screening and treatment, and screening and treatment for sexually transmitted diseases;

(F) Education that demonstrates Naloxone administration;

(G) Cultural diversity and sensitivity to protected classes under state and federal law; and

(H) Training logs for attendance at mandatory training;

(4) A syringe-dispensing plan including, but not limited to, the following that:

(A) An accounting for safe disposal of the syringes by participants for seven years;

(B) Prevents needlestick injuries;

(C) Tracks the "approximate" number of syringes dispensed;

(D) Tracks the number of syringes collected;

(E) Tracks the number of syringes collected as a result of community reports of needle litter;

(F) Eliminates direct handling of sharps waste;

(G) Includes a needlestick protocol and plan for ensuring staff and participant familiarity with the protocol;

(H) Includes sharps waste disposal education that ensures staff are familiar with state law regulating proper disposal of home-generated sharps waste; and

(I) Includes a plan and budget for sharps waste disposal or an explanation if no cost is associated with sharps waste disposal;

(5) A plan to coordinate with the continuum of care, including the requirements set forth in this section.

(b) If an applicant for a license does not submit all of the documentation required in §16-63-2 of this code, the application for a license shall be denied.

(c) If an applicant for a license fails to comply with the program requirements, then the application shall be denied.

(d) If the license is granted it shall be effective for one year, subject to random inspection by the Office of Health Facility Licensure and Certification and a request for renewal by the licensee. Provided, That a needle exchange program which operates for at least three consecutive years without being suspended or limited pursuant to section four of this article shall have their granted license or renewal be effective for three years. Provided, however, That the needle exchange program is still subject to random inspections by the Office of Health Facility Licensure and Certification.

§16-63-4. Department of Health and Human Resources Needle Exchange Pilot Program

(a) Any licensed needle exchange program pursuant to this article may apply to the Department of Health and Human Resources to be a participant in a pilot program administered by the Department.

(b) The Department of Health and Human Resources may exempt an approved, participating needle exchange program from any requirements of this article. Provided, Any approved, participating needle exchange program shall adhere to the best practices of the Centers for Disease and Control and the American Medical Association. Provided further, That the

Department shall ensure detailed monitoring and data collection of this approved, participating needle exchange program.

(c) The secretary shall promulgate emergency rules and propose legislative rules for legislative approval in accordance with the provision of article three, chapter twenty-nine-a of this code to effectuate the requirements of this section.

(d) The secretary shall submit an annual report to the Joint Committee on Health related to all approved, participating needle exchange programs.

§16-63-5. Procedure for revocation or limitation of the needle exchange program.

(a) The director may revoke or limit a needle exchange program's ability to offer services for the following reasons:

(1) The needle exchange program provides willful or intentional false or misleading information to the director at any time;

(2) Monitoring or inspection indicates the needle exchange program is in violation of the law;

(3) The needle exchange program fails to cooperate with the director during the investigation of any complaint; and

(4) Recission of the letter of approval from majority of the county commissioners.

(b) The director shall send written notice to the needle exchange program of revocation or limitation of its operations. The written notice shall include the following:

(1) Effective date of the revocation or limitation;

(2) The basis for the revocation or limitation on the certificate;

(3) The location to which the revocation or limitation applies;

(4) The remedial measures the needle exchange program shall take, if any, to consider reinstatement of the program or removal of the limitation; and

(5) Steps to request reconsideration or appeal of the decision.

§16-63-6. Reconsideration procedure.

(a) An owner or operator may request, in writing, reconsideration of a decision rendered by the director on an action taken. If the request for reconsideration establishes good cause, then the director shall grant the request. Upon request, the director may grant a public hearing to consider the request for reconsideration.

(b) A request for reconsideration is considered to have shown good cause if, in a detailed statement, it:

(1) Presents significant, relevant information not previously considered by the director, and demonstrates that with reasonable diligence that information could not have been presented before the board made its decision;

(2) Demonstrates that there have been significant changes in factors or circumstances relied upon by the director in reaching its decision;

(3) Demonstrates that the board has materially failed to follow its adopted procedures in reaching its decision; or

(c) The director shall receive a request for reconsideration within 30 days after the date of the bureau's decision.

(d) The director or his or her designee shall hold a hearing, if any, upon a request for reconsideration within 30 days of the bureau's receipt of the request. The director may extend this time for good cause.

(e) The director shall issue its written decision which states the basis of its decision upon request for reconsideration within 45 days after the conclusion of the hearing.

§16-63-7. Administrative due process.

(a) An owner or operator of a needle exchange program who disagrees with the final administrative decision may, within 30 days after receiving notice of the decision, appeal the decision to the department's board of review.

(b) The needle exchange program shall be required to be represented by legal counsel at the hearing.

(c) All pertinent provisions of §29A-5-1 et seq. of this code and §69-1-1 et seq. of this code apply to and govern any hearing authorized by this statute.

(d) The filing of a request for a hearing does not stay or supersede enforcement of the final decision of the director. The director may, upon good cause shown, stay such enforcement.

§16-63-8. Administrative appeals and judicial review.

(a) An owner or operator of a needle exchange program who disagrees with the final administrative decision may, within 30 days after the date the appellant received notice of the decision of the board of review, appeal the decision to the Circuit Court of Kanawha County or in the county where the petitioner resides or does business.

(b) The filing of the petition for appeal does not stay or supersede enforcement of the final decision or order of the director. An appellant may apply to the circuit court for a stay of or to supersede the final decision or order for good cause shown.

(c) No circuit court has jurisdiction to consider a decision of the board if the petitioner has failed to file a request for review with the board of review within the time frame set forth in this article.

§16-63-9. Reporting requirements; renewal requests.

(a) A needle exchange program licensed pursuant to this statute shall file a quarterly report with the director, by email, and file an annual request for renewal on the anniversary date of

license approval each and every year of the program's operation under the director's review. The report shall include:

- (1) The total number of persons served;
- (2) The total numbers and types of syringes and needles dispensed, collected, and disposed of;
- (3) The total number of needlestick injuries to non-participants;
- (4) Statistics regarding the number of individuals entering rehabilitation; and
- (5) The total numbers and types of referrals made to drug treatment and other services.

(b) A syringe exchange program licensed pursuant to this statute shall within 45 days prior to the expiration of the license, or at any other time directed by the director, submit a report verified, in writing, by the administrator, containing the following information:

- (1) The current status of the project;
- (2) The cause or causes of any delays encountered;
- (3) Changes in the project; and
- (4) The projected total cost.

(c) Upon good cause shown, and if the needle exchange program is in substantial compliance with the reporting requirements set forth in this section, the director may grant a renewal for up to six months for the initial renewal period. Forty-five days prior to the expiration of the license, the needle exchange program shall submit a request for renewal addressing the criteria in subsection (b) of this section. In order to be considered for renewal, the needle exchange program must be in substantial compliance with the reporting requirements of this section. Any subsequent renewal may be granted for up to 12 months.

§16-63-10. Immunity and cost recoupment.

Any business, excluding the operator of a needle exchange program, that has needle litter on their property and subsequently incurs a loss, is immune from civil or criminal liability in any action relating to the needle on their property unless the business owner acted in reckless disregard for the safety of others.

§16-63-11. Civil injunctive relief.

The Office of Health Facilities Licensure and Certification may seek injunctive relief to enforce the provisions of this article.

§16-63-12. Coordination with continuum of care.

(a) A provider shall coordinate with other existing providers in its services to render care to the individuals in the needle exchange program as set forth in the program requirements.

(b) In the event that the needle exchange program is closed, the needle exchange program shall notify the patient of the closure of the service, prior to closure, in a conspicuous location and provide an individual notice to enable the person to transition their care.

Following extended discussion,

The question being on the adoption of the amendment offered by Senator Stollings to the bill (Com. Sub. for S. B. 334), the same was put.

The result of the voice vote being inconclusive, Senator Stollings demanded a division of the vote.

A standing vote being taken, there were eleven yeas and twenty-two nays.

Whereupon, Senator Blair (Mr. President) declared the amendment offered by Senator Stollings to the bill rejected.

On motion of Senator Lindsay, the following amendments to the bill (Com. Sub. for S. B. 334) were next reported by the Clerk and considered simultaneously:

On page seven, section three, line seventy-one, after the word "licensee" by changing the period to a colon and inserting the following proviso: *Provided*, That a needle exchange program which operates for at least three consecutive years without being suspended or limited pursuant to section four of this article shall have their granted license or renewal be effective for three years: *Provided, however*, That the needle exchange program is still subject to random inspections by the Office of Health Facility Licensure and Certification.;

On page eleven, section ten, lines one and two, by striking out all of subsection (a);

And,

On page eleven, section ten, line three, by striking out "(b)".

Following discussion,

The question being on the adoption of Senator Lindsay's amendments to the bill, the same was put and did not prevail.

There being no further amendments offered,

The bill, as just amended by Senator Tarr, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 334 was then read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 334 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Jeffries, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—22.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Lindsay, Plymale, Romano, Stollings, Stover, and Unger—11.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 334) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 339, Expanding types of agricultural operations that are protected from nuisance and other legal actions.

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

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

The nays were: None.

Absent: Beach and Karnes—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 339) passed.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 339—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; amending definitions; defining new terms; clarifying requirements for filing a public or private nuisance action to recover damages from an agricultural operation; clarifying applicability of municipal requirement to agricultural operation situated outside municipal corporate boundaries; and clarifying exemption for certain actions for injuries or damages against an agricultural operation or portion thereof.

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 344, Relating to credit for qualified rehabilitated buildings investment.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 344 pass?”

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

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 344) passed with its title.

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

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

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 344) takes effect July 1, 2021.

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

Eng. Com. Sub. for Senate Bill 370, Requiring certain documents that contain wage records be considered confidential.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 370 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Unger, and Woelfel—12.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 370) 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 383, Relating to exempting certain organizations from property taxation.

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

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

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 383) passed with its title.

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

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

The nays were: None.

Absent: Karnes—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 383) takes effect July 1, 2021.

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

Eng. Com. Sub. for Senate Bill 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions.

Having been read a third time on yesterday, Monday, March 8, 2021, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed Committee Substitute for Senate Bill 439 pass?”

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 439 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Hamilton, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woodrum, and Blair (Mr. President)—24.

The nays were: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Romano, Stollings, and Woelfel—9.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 439) 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 456, Relating to Natural Resources Police Officers Retirement System.

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

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

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 456) 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 460, Relating to Deputy Sheriff Retirement System Act.

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

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

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 460) 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 467, Relating to WV Municipal Police Officers and Firefighters Retirement System.

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

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

The nays were: None.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 467) 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.

Com. Sub. for Senate Bill 466, Relating generally to appraisal management companies.

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

Com. Sub. for Senate Bill 475, Dedicating certain fees collected by Division of Labor to General Revenue Fund.

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

Com. Sub. for Senate Bill 517, Relating to sunset provisions of legislative rules.

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

Eng. Com. Sub. for House Bill 2001, Relating generally to creating the West Virginia Jumpstart Savings Program.

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

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

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

CHAPTER 11. TAXATION.

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12m. Additional modifications related to a Jumpstart Savings Account.

(a) Modification for contributions. –

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized in an amount equal to a West Virginia taxpayer's contribution to a Jumpstart Savings Account for the taxable year in which the payment is made, in accordance with §18-30A-1 et seq. of this code, but only to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 in a single taxable year: *Provided*, That the taxpayer may also elect to carry forward the modification over a period not to exceed five taxable years, beginning in the taxable year in which the contribution was made.

(b) *Modification for distributions.* –

(1) For taxable years beginning on or after January 1, 2022, in addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized in an amount equal to the portion of a distribution from a Jumpstart Savings Account received by a distributee that is used to pay for qualified expenses, as defined in §18-30A-11 of this code. Such decreasing modification is authorized for the taxable year the distribution is made to the distributee, but only to the extent the distribution amount is not allowable as a deduction when arriving at the distributee's federal adjusted gross income for the taxable year when the distribution was made. Any decreasing modification applied by a distributee shall be subject to disallowance to the extent that the distributed moneys are not used to pay for qualified expenses, as defined in §18-30A-11 of this code in the taxable year of receipt of the distribution or the next succeeding taxable year.

(2) The decreasing modification allowed pursuant to this subsection may not exceed \$25,000 for the taxable year.

(3) For the purposes of this section, the term "distributee" means the beneficiary or the owner of a Jumpstart Savings Account who is authorized to receive distributions from the account, according to §18-30A-1 et seq. of this code and the legislative rules and procedures adopted by the Jumpstart Savings Board.

(c) *Modification for rollover of certain distributions.* – In addition to amounts authorized to be subtracted from federal adjusted gross income pursuant to §11-21-12 of this code, a modification reducing federal adjusted gross income is hereby authorized for the account owner, to the extent that the amount is not allowable as a deduction when arriving at the account owner's federal adjusted gross income, in the amount as follows:

(1) An amount equal to a distribution from a Jumpstart Savings Account received in the taxable year, if the account owner deposits such amount into a West Virginia ABLÉ Account within 30 days of receiving the distribution, according to the requirements of §18-30A-1 et seq. of this code; and

(2) An amount equal to the portion of a distribution received in the taxable year from a college savings account, established pursuant to §18-30-1 et seq. of this code, if the taxpayer deposits the amount into a Jumpstart Savings Account within 30 days of receiving the distribution according to the requirements of §18-30A-1 et seq. of this code.

(d) Nothing in this section shall be construed to decrease or otherwise impact any person's federal tax obligations or to authorize any act which violates federal law.

§11-21-25. Nonrefundable credit for matching contribution to employee's Jumpstart Savings Account.

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed against the tax liability imposed under this article of a qualified employer, for a matching contribution made to a Jumpstart Savings Account in the taxable year, if the beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 et seq. and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) The amount of the credit may not exceed the portion of the contribution that is attributable to the employer and that would otherwise be derived by the employer as income from his or her business for the taxable year.

(4) The employer may not claim the credit if the employer himself or herself is the account beneficiary of the account to which the matching contribution was made.

(5) An employer may not claim a credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State Treasurer, and the Tax Commissioner, upon making the contribution.

(d) *Conduit Entities and Proprietorships Personal Income Taxes.* —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, a limited liability company that is treated as a partnership for federal income tax purposes, or a sole proprietorship, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

(2) If the employer directly contributing an amount to a Jumpstart Savings Account is a sole proprietor, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the income of the sole proprietor attributable to the business.

(3) Electing small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its partners, owners, shareholders, or members in the same manner as profits and losses are allocated for the taxable year.

(4) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(5) Credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

ARTICLE 24. CORPORATION NET INCOME TAX.

§11-24-10a. Nonrefundable credit for matching contribution to employee's Jumpstart Savings Account.

(a) A nonrefundable credit against the tax imposed by the provisions of this article is allowed for a matching contribution to a Jumpstart Savings Account made in the taxable year if the beneficiary of the account is an employee of the taxpayer and a West Virginia resident, subject to the requirements of §18-30A-1 et seq. and the following:

(1) The employer must directly contribute an amount to a Jumpstart Savings Account that is equal to a contribution made by the employee to such account in the same taxable year.

(2) The credit allowed by this section may not exceed \$5,000 per employee per taxable year.

(3) An employer may not claim the credit against more than one type of tax for a single contribution to a Jumpstart Savings Account.

(b) The credit provided by this section is only allowed to the extent the amount is not allowable as a deduction when arriving at the taxpayer's federal adjusted gross income for the taxable year in which the contribution is made.

(c) In order to qualify for the credit provided by this section, an employer must submit any forms or other information, as required by the West Virginia Jumpstart Savings Board or the State Treasurer, or the Tax Commissioner, upon making the contribution.

(d) Conduit Entities Corporation Net Income Tax. —

(1) If the employer directly contributing an amount to a Jumpstart Savings Account is an electing small business corporation (as defined in Section 1361 of the United States Internal Revenue Code of 1986, as amended), a partnership, or a limited liability company that is treated as a partnership for federal income tax purposes, then credit authorized pursuant to this section is allowed as a credit against the taxes imposed by this article on the flow through income of S corporation shareholders, partners, owners, and limited liability company members derived from such electing small business corporation, partnership, or limited liability company attributable to business or other activity.

(2) Electing small business corporations, limited liability companies, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its corporate

partners, owners, shareholders, or members in the same manner as profits and losses are allocated for the taxable year.

(3) No credit is allowed under this section against any employer withholding taxes imposed by this article.

(4) The credit allowed under this section must be used in the tax year in which the contribution is made. Credit may not be carried back to a prior tax year nor carried forward to a subsequent tax year. Any amount of unused credit is forfeited.

CHAPTER 18. EDUCATION.

ARTICLE 30A. WEST VIRGINIA JUMPSTART SAVINGS ACT.

§18-30A-1. Short Title.

This article shall be known, and may be cited as, the “West Virginia Jumpstart Savings Act”.

§18-30A-2. Findings.

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.

§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 West Virginia Jumpstart Savings Board created in §18-30A-5 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) 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-4. West Virginia Jumpstart Savings Program established.

The West Virginia Jumpstart Savings Program is hereby established, to be operable on or before July 1, 2022. The board shall implement and administer the program under the terms and conditions required by this article.

§18-30A-5. West Virginia Jumpstart Savings Board; members; terms; compensation; proceedings generally.

(a) The West Virginia Jumpstart Savings Program shall be administered by the West Virginia Jumpstart Savings Board.

(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.

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 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.

§18-30A-7. Powers and duties of the Treasurer.

(a) In order to implement and administer the program, the Treasurer shall:

(1) Provide support staff and office space for the board;

(2) Establish and monitor, at the direction of the board, the methods and processes by which the funds held in accounts are deposited and distributed;

(3) Charge and collect any necessary administrative fees, penalties, and service charges in connection with any agreement, contract, or transaction relating to the program;

(4) Develop marketing plans and promotional material to ensure that potential program beneficiaries will be aware of the program and the advantages the program offers; and

(5) Present the annual evaluations and reports required by §18-30A-13 of this code at any meeting or proceeding of the Legislature or the Office of the Governor upon request.

(b) In order to implement and administer the program, the Treasurer may:

(1) Collect all necessary information from program account holders and beneficiaries;

(2) Create forms necessary for implementation of the program;

(3) Propose legislative rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code, that are necessary to effectuate the provisions and purposes of this article; and

(4) Perform all other lawful actions necessary to effectuate the provisions of this article, subject to applicable state and federal law.

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

(a) The board shall establish the Jumpstart Savings Program Trust, and 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) 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) 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) 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) 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) 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.

§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;

(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.

18-30A-10. Opening a Jumpstart Savings Account; deposits.

(a) Beginning on July 1, 2022, a person may open a Jumpstart Savings Account.

(b) To open a Jumpstart Savings Account, the account owner must:

(1) Provide all information required by the Treasurer;

(2) Make a minimum opening deposit of \$25; and

(3) Name a single person as the designated beneficiary: *Provided*, That the designated beneficiary may be the account owner himself or herself, or another person: *Provided, however*, That the beneficiary may not be a business, corporation, or enterprise.

(c) The Treasurer will deposit \$100 from the Jumpstart Savings Expense Fund into a newly opened Jumpstart Savings Account if the following criteria are met:

(1) The designated beneficiary is a resident of West Virginia; and

(2) The account is opened when the designated beneficiary is under 18 years of age; or

(3) The account is opened within the 180 days following the date of the designated beneficiary's enrollment in an apprenticeship or educational program described in §18-30A-11(c)(1)(A) of this code.

(d) Any person may make a contribution to a Jumpstart Savings Account after the account is opened, subject to applicable state and federal laws.

(e) The Treasurer shall prescribe all forms required to open and make deposits to a Jumpstart Savings Account and make the forms available in a prominent location on the Treasurer's website.

§18-30A-11. Distributions; qualified expenses.

(a) A distribution from a Jumpstart Savings Account that was used to pay for qualified expenses, as defined in subsection (c) of this section, shall establish entitlement of the distributee to the personal income tax decreasing modification authorized by §11-21-12m(b) of this code, and such decreasing modification may be applied to determine West Virginia adjusted gross income of the distributee in the taxable year in which such qualified expenses were paid.

(b) A change in the designated beneficiary of a Jumpstart Savings Account is not a distribution for the purposes of this article or §11-21-1 *et seq.* of this code if the new beneficiary is a family member of the prior beneficiary.

(c) *Qualified expenses.* —

(1) For the purposes of this article and §11-21-12m of this code, expenditures of distributions for the following purposes are qualified expenses:

(A) The purchase of tools, equipment, or supplies by the beneficiary to be used exclusively in an occupation or profession for which the beneficiary is required to:

(i) Complete an apprenticeship program registered and certified with the United States Department of Labor, as provided in 29 U.S.C. §50;

(ii) Complete an apprenticeship program required by any provision of this code or a legislative rule promulgated pursuant to this code;

(iii) Earn a license or certification from an Advanced Career Education (ACE) career center;
or

(iv) Earn an associate degree or certification from a community and technical college.

(B) Fees for required certification or licensure for the beneficiary to practice a trade or occupation described in paragraph (A) of this subdivision in this state; and

(C) Costs incurred by the beneficiary that are necessary to establish a business in this state in which the beneficiary will practice an occupation or profession described in paragraph (A) of this subdivision, when the costs are exclusively incurred and paid for the purpose of establishing and operating such business.

(2) In no event shall any dues, fees, subscriptions, or any other payments to a labor organization constitute qualified expenses for the purposes of this article.

§18-30A-12. State tax benefits related to a Jumpstart Savings Account.

(a) As provided in §11-21-12m, §11-21-25, and §11-24-10a of this code, contributions, distributions, and employer matching contributions are eligible for specified decreasing modifications in determining taxable income, or specified tax credits against tax imposed by §11-21-1 et seq. and §11-24-1 et seq. of this code.

(b) Nothing in this article nor in §11-21-12m, §11-21-25, or §11-24-10a of this code shall be construed to decrease or otherwise impact any person's federal tax obligations or to authorize any act which violates federal law.

§18-30A-13. Reports and account; annual audit.

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

(1) Prepare and provide an annual summary of information on the financial condition of the Jumpstart Savings Trust Fund and Expense Fund and statements on the savings program accounts to the respective account owners; and

(2) Prepare, or have prepared, a quarterly report on the status of the program, including the Jumpstart Savings Trust Fund and Expense Fund, and provide a copy of the report to the Joint Committee on Government and Finance.

(b) All accounts administered under the program, including the Jumpstart Savings Trust Fund and Expense Fund, 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 and standards in §5A-2-33 of this code.

§18-30A-14. Records; confidentiality.

(a) Notwithstanding any other provision of this code, the board and an apprenticeship provider, training or educational institution, or employer, are authorized to exchange information regarding participants in the program to carry out the purposes of this article: *Provided*, That the tax information confidentiality provisions of §11-10-5d of this code shall apply to tax returns and tax return information.

(b) Records containing personally identifying information regarding Jumpstart Savings Account holders and beneficiaries is exempt from disclosure under §29B-1-1 et seq. of this code.

§18-30A-15. Limitation on liability.

Nothing in this article creates any obligation of the board, the Treasurer, the state, or any agency or instrumentality of the state to guarantee for the benefit of any account holder or designated beneficiary with respect to the:

- (1) Return of principal;
- (2) Rate of interest or other return on any account; or
- (3) Payment of interest or other return on any account.

§18-30A-16. Legislative rules required.

Prior to the commencement of the program, the board shall promulgate legislative, procedural, or emergency rules, or any combination thereof, in accordance with the provisions of §29A-3-1 et seq. of this code, that include at a minimum, the following:

- (1) Requirements for any contract to be entered between the board and an account holder upon opening a Jumpstart Savings Account to ensure compliance with the requirements of this article and applicable state and federal laws;
- (2) Examples of qualified expenses, as described in §18-30A-11 of this code; and
- (3) Procedures for opening Jumpstart Savings Accounts, making contributions thereto, requesting distributions therefrom, and instructions for accessing any necessary forms.

The bill (Eng. Com. Sub. for H. B. 2001), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 314, Regulating pawnbrokers.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Romano.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Robert Karnes
West Virginia Senate
Building 1, Room 417-M
Charleston, West Virginia 25305

Dear Senator Karnes:

In accordance with your wishes, I hereby remove you from the following Standing Committees of the West Virginia Senate:

Banking and Insurance
Education, Vice Chair
Interstate Cooperation, Chair
Judiciary
Pensions
Transportation and Infrastructure

Sincerely,

A handwritten signature in blue ink that reads "C. P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Dave Sybolt
West Virginia Senate
Building 1, Room 214-W
Charleston, West Virginia 25305

Dear Senator Sybolt:

I hereby appoint you to the Committee on Banking and Insurance effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C. P. Blair".

Craig P. Blair
President

CP:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



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CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Rollan A. Roberts
West Virginia Senate
Building 1, Room 217-W
Charleston, West Virginia 25305

Dear Senator Roberts:

I hereby appoint you as Vice Chairman of the Committee on Education effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Craig P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Ryan Weld
Majority Whip
West Virginia Senate
Building 1, Room 216-W
Charleston, West Virginia 25305

Dear Senator Weld:

I hereby appoint you to the Committee on Education effective immediately.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Craig P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



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STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Jack David Woodrum
West Virginia Senate
Building 1, Room 229-W
Charleston, West Virginia 25305

Dear Senator Woodrum:

I hereby appoint you as Chairman of the Committee on Interstate Cooperation effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Craig P. Blair".

Craig P. Blair
President

CP:mp

cc: Lee Cassis, Clerk



CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR

304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Patrick Martin
West Virginia Senate
Building 1, Room 213-W
Charleston, West Virginia 25305

Dear Senator Martin:

I hereby appoint you to the Committee on Interstate Cooperation effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C. P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
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STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Chandler Swope
West Virginia Senate
Building 1, Room 229-W
Charleston, West Virginia 25305

Dear Senator Swope:

I hereby appoint you to the Committee on Pensions effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Craig P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk



CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR

304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Jack David Woodrum
West Virginia Senate
Building 1, Room 229-W
Charleston, West Virginia 25305

Dear Senator Woodrum:

I hereby appoint you to the Committee on Transportation and Infrastructure effective immediately.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

CRAIG P. BLAIR
SENATE PRESIDENT-LIEUTENANT GOVERNOR



304-357-7801
CRAIG.BLAIR@WVSENATE.GOV

STATE CAPITOL, ROOM M-227
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800

March 8, 2021

The Honorable Charles S. Trump IV
Chair
Committee on the Judiciary
Building 1, Room 210-W
Charleston, West Virginia 25305

Dear Chairman Trump:

At the request of Senator Robert Karnes, I have removed him from the Committee on the Judiciary. Effective immediately, I hereby appoint myself as his replacement as the seventeenth member of the committee to comply with Rule 27 of the Rules of the Senate.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "C. P. Blair".

Craig P. Blair
President

CPB:mp

cc: Lee Cassis, Clerk

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Karnes.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 8, 2021:

Senate Bill 353: Senator Hamilton.

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 March 8, 2021:

Com. Sub. for Senate Bill 351: Senator Hamilton;

Senate Bill 362: Senator Hamilton;

Senate Bill 437: Senators Plymale and Woelfel;

Senate Bill 493: Senator Nelson;

Senate Bill 514: Senator Jeffries;

Senate Bill 551: Senator Stollings;

Senate Bill 583: Senator Ihlenfeld;

Senate Bill 584: Senator Ihlenfeld;

Senate Bill 590: Senators Baldwin, Caputo, and Stollings;

Senate Bill 591: Senators Baldwin, Beach, Caputo, and Stollings;

Senate Bill 592: Senators Baldwin and Roberts;

Senate Bill 594: Senators Caputo and Stollings;

Senate Bill 595: Senator Smith;

Senate Bill 598: Senators Woelfel and Stollings;

Senate Bill 599: Senators Baldwin, Hamilton, Beach, Caputo, and Stollings;

Senate Joint Resolution 11: Senator Ihlenfeld;

Senate Concurrent Resolution 17: Senator Hamilton;

And,

Senate Resolution 16: Senators Swope, Woelfel, and Roberts.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 2:01 p.m., the Senate adjourned until tomorrow, Wednesday, March 10, 2021, at 11 a.m.

SENATE CALENDAR

**Wednesday, March 10, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 19 - US Army SSG Elson M. Kuhn Memorial Bridge
- S. C. R. 20 - Supporting and celebrating centennial anniversary of Jones Act
- S. C. R. 21 - US Army SGT Charles L. Toppings Memorial Road
- S. R. 17 - Memorializing Patrolman Cassie Marie Johnson

THIRD READING

- Eng. Com. Sub. for S. B. 466 - Relating generally to appraisal management companies
- Eng. Com. Sub. for S. B. 475 - Dedicating certain fees collected by Division of Labor to General Revenue Fund
- Eng. Com. Sub. for S. B. 517 - Relating to sunset provisions of legislative rules
- Eng. Com. Sub. for H. B. 2001 - Relating generally to creating the West Virginia Jumpstart Savings Program - (Com. title amend. pending)

SECOND READING

- Com. Sub. for S. B. 314 - Regulating pawnbrokers

FIRST READING

- Com. Sub. for S. B. 303 - Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act (original similar to HB2907)
- S. B. 437 - Extending contingent increase of tax rate on certain eligible acute care hospitals
- Com. Sub. for S. B. 493 - Issuing license suspensions to insurance producers and adjusters who fail to meet CE requirements
- S. B. 494 - Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund
- S. B. 496 - Relating to punishment for second or third degree felony
- Com. Sub. for S. B. 514 - Providing criteria for Natural Resource Commission appointment and compensation (original similar to HB2867)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Wednesday, March 10, 2021

| | | |
|-----------|------------------------|-------------|
| 9:30 a.m. | Rules | (Room 219M) |
| 10 a.m. | Interstate Cooperation | (Room 451M) |
| 10 a.m. | Workforce | (Room 208W) |