

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Wednesday, March 10, 2021

The Senate met at 11:02 a.m.

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

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Tuesday, March 9, 2021,

At the request of Senator Weld, 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.

At the request of Senator Takubo, and by unanimous consent, the Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 19, US Army SSG Elson M. Kuhn 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 20, Supporting and celebrating centennial anniversary of Jones Act.

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

Senate Concurrent Resolution 21, US Army SGT Charles L. Toppings 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 Resolution 17, Memorializing Patrolman Cassie Marie Johnson.

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

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

At the further request of Senator Lindsay, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Patrolman Cassie Marie Johnson.

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

The roll being taken, 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 those present and voting having voted in the affirmative, the President declared the resolution (S. R. 17) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Lindsay, Jeffries, and Phillips regarding the adoption of Senate Resolution 17 were ordered printed in the Appendix to the Journal.

Without objection, the Senate returned 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 270, Providing for collection of tax by hotel marketplace facilitators.

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 2906—A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to the allocation of money among categories of projects; providing that the School Building Authority's discretion be increased to allow them to allocate up to ten percent of their annual budget for major projects and improvements to vocational school programs throughout the State.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of March, 2021, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 11), Declaring work stoppage or strike by public employees to be unlawful.

(Com. Sub. for S. B. 12), Relating to local health department accountability.

(Com. Sub. for S. B. 345), Expanding alcohol test and lock program to include offenders with drug-related offense.

(S. B. 358), Removing prohibition on ATMs located in area where racetrack video lottery machines are located.

And,

(S. B. 459), Relating to return of member's paid contributions to heirs after member's death under certain circumstances.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.

Dean Jeffries,
Chair, House Committee.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 346, Authorizing DMV use electronic means when providing notice for licensees and vehicle owners.

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

Com. Sub. for Senate Bill 346 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-2-19 of the Code of West Virginia, 1931, as amended, relating to the use by the Division of Motor Vehicles of electronic means and other alternate means when providing notice.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 472, Updating criteria for regulating certain occupations and professions.

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

Com. Sub. for Senate Bill 472 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §30-1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to regulation of occupations and professions; establishing legislative policy; providing definitions; providing criteria to analyze a required application to regulate an occupation or profession; requiring Performance Evaluation and Research Division to conduct an analysis of application; establishing rebuttable presumption against regulating an occupation or profession absent certain conditions; setting out criteria to assess harms to consumers and possible recommendations that may be instituted against an occupation or profession; providing for an economic study of the recommendations made; setting time frame for the Performance Evaluation and Research Division to conduct analysis and return report; providing for recommendations based on the assessed harm to consumers in the Performance Evaluation and Research Division's report; authorizing additional recommendations and findings by the Joint Standing Committee on Government Organization; requiring additional findings by the Joint Standing Committee on Government Organization be made public; mandating committee's findings and recommendations along with any report be submitted to any committee considering legislation prior to voting; requiring Performance Evaluation and Research Division begin review of existing licenses under certain criteria; providing effective date for licensure review; mandating review of certain licenses annually; requiring annual licensing review to be set by the chairs of the Joint Standing Committee on Government Organization; setting eight-year review schedule; requiring Performance Evaluation and Research Division to report its findings and recommendations to the committee relating to licensing review; establishing effective date for the Performance Evaluation and Research Division to begin reporting its findings and recommendations to the committee; and establishing standards of statutory interpretation relating to government regulation of occupations or professions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 489, Returning refundable exemption for road construction contractors to State Road Fund.

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

Com. Sub. for Senate Bill 489 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the consumer sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects; specifying duties of Tax Commissioner and Division of Highways; specifying procedure of the exemption; and setting forth calculation of reimbursement.

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,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 489), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 523, Correcting improper code references.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 529, Correcting improper citation relating to DMV registration.

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

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution 16, Amending Senate Rule 14 relating to introduction of concurrent resolutions.

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2006, Relating to the West Virginia Contractor Licensing Act.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2011, Eliminating any time requirements for part time personnel to work during a working year.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2013, Relating to the Hope Scholarship Program.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2263, Update the regulation of pharmacy benefit managers.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Rucker:

Senate Bill 609—A Bill to amend and reenact §16-2I-1, §16-2I-2, and §16-2I-3 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance at Life Act; requiring that information about the process of chemical abortion be provided to a woman prior to prescribing pharmaceuticals for, or administering, a chemical abortion except in certain emergency circumstances; updating definitions; specifying the woman be informed of the possibility of reversal of a chemical abortion if undertaken within a critical time period; dictating minimum standards for printed materials; and requiring documentation of the procedures required hereby.

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

By Senator Baldwin:

Senate Bill 610—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes.

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

By Senator Weld:

Senate Bill 611—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of certified community behavioral health clinics (CCBHCs); providing that state Medicaid agency, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health,

shall establish a state certification system for CCBHCs; and providing that all nonprofit comprehensive community mental health centers and comprehensive intellectual disability facilities shall be eligible to apply for certification as a CCBHC.

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

By Senators Ihlenfeld and Hamilton:

Senate Bill 612—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off-duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in, and are assigned to, one of the top five counties in median monthly housing costs.

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

By Senator Weld:

Senate Bill 613—A Bill to amend and reenact §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, all relating to adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as Evidence Custodians I-IV, Forensic Technicians I-III, Forensic Scientists I-VI, and Forensic Scientist Supervisors I-IV; authorizing the superintendent to appoint a forensic laboratory director; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option.

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

By Senator Lindsay:

Senate Bill 614—A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to including family court judges in the Judges' Retirement System.

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

By Senators Phillips and Smith:

Senate Bill 615—A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to the removal of specific statutory restrictions on outdoor advertisement.

Referred to the Committee on Transportation and Infrastructure.

By Senators Phillips, Rucker, and Smith:

Senate Bill 616—A Bill to amend and reenact §22-20-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the environmental advocate within the Department of Environmental Protection.

Referred to the Committee on Energy, Industry, and Mining.

By Senator Azinger:

Senate Bill 617—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, and §18-34-5, all

relating to creating the Student Journalist Press Freedom Restoration Act; providing for legislative findings; requiring that the West Virginia Department of Education and the West Virginia Higher Education Policy Commission allow for the free expression of student journalists on campuses of middle schools, high schools, and colleges and universities; providing a framework and parameters for free expression; and allowing for civil actions in the event that this article is violated.

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

By Senator Azinger:

Senate Bill 618—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the teaching of “divisive acts” and “critical race theory” in West Virginia schools; providing definitions; prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not reemployed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

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

By Senator Maynard:

Senate Bill 619—A Bill to repeal §18B-1B-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-1; to amend and reenact §18B-1-2 and §18B-1-6 of said code; to amend said code by adding thereto a new section, designated §18B-1A-1; to amend said code by adding thereto two new sections, designated §18B-1B-1a and §18B-1B-5a; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-1D-1 of said code; and to amend and reenact §18B-2A-1 and §18B-2A-6 of said code, all relating to reforming the system of higher education governance and administration; specifying legislative intent, findings, and purpose; establishing an Office of Post-Secondary Education and defining the powers and duties thereof; updating definitions; authorizing legislative rulemaking; providing financing objectives and a method for apportioning appropriations to the Office of Post-Secondary Education; terminating the Higher Education Policy Commission; reforming the powers and duties of the Chancellor for Higher Education Policy Commission; defining a distressed institution and establishing procedures to ameliorate the situation or close the institution; requiring reports to the Legislature and establishment of performance agreements to promote accountability; restricting the eligibility of certain persons to serve on a board of governors; and redefining qualifications for an institution of higher education to become a university.

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

By Senator Caputo:

Senate Bill 620—A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, relating to worker affiliation with a labor organization.

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

Senator Roberts offered the following resolution:

Senate Concurrent Resolution 22—Requesting the Division of Highways name a portion of West Virginia Route 3, from its crossing of the border of Boone County to the intersection with West Virginia Route 99 in Raleigh County, the “Raymond Jarrell, Jr., Memorial Road”.

Whereas, Raymond Jarrell, Jr., was born on February 15, 1959, to Raymond and Ruth Jarrell; and

Whereas, Raymond Jarrell, Jr., was raised by his grandparents, Carl and Sylvia Jarrell, in Raleigh County, West Virginia, and he attended Raleigh County schools; and

Whereas, Raymond Jarrell, Jr., later became an employee of Raleigh County schools as a bus driver for 28 years and also ran Jarrell Backwoods Towing for 38 years; and

Whereas, Raymond Jarrell, Jr., was a member of the Naoma Methodist Church, was a bookkeeper for the Liberty High School Raiders basketball team, and was known for philanthropic acts to benefit his community that he provided personally and through his business; and

Whereas, Raymond Jarrell, Jr., gained fame from an early age as an expert in marble games, achieving his first national championship in New Jersey in 1972 at the age of 13, for which he was recognized in the New York Times; and

Whereas, Raymond Jarrell, Jr., went on to play for the Marble King team sponsored by the famous Marble King company of Paden City, West Virginia, and eventually he won the title of World Marble Champion five times in competitions held in Tinsley Green, England;

Whereas, Raymond Jarrell, Jr., passed away August 10, 2019, and was buried at Adkins Cemetery in his home community of Naoma, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate Raymond Jarrell, Jr., and his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of West Virginia Route 3, from its crossing of the border of Boone County to the intersection with West Virginia Route 99 in Raleigh County, the “Raymond Jarrell, Jr., 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 “Raymond Jarrell, Jr., Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs reading “Home of Raymond Jarrell, Jr., Five-Time World Marble Champion” to be placed with the present signs identifying the unincorporated community of Naoma, Raleigh County, West Virginia; 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.

Senator Hamilton offered the following resolution:

Senate Resolution 18—Congratulating the people of Pocahontas County on its bicentennial.

Whereas, On December 21, 1821, the Virginia General Assembly created a new county to be called Pocahontas; and

Whereas, Pocahontas County was the forebearer of the Governor at that time, Thomas Mann Randolph; and

Whereas, Pocahontas County became one of the original counties of West Virginia in 1863; and

Whereas, Pocahontas County is known far and wide for its scenic beauty and as the home of the Green Bank Observatory, the Cass Scenic Railroad, and Snowshoe Ski Resort; and

Whereas, Pocahontas County is celebrating its bicentennial in 2021; therefore be it

Resolved by the Senate:

That the Senate congratulates the people of Pocahontas County on its bicentennial; and, be it

Further Resolved, That the Senate acknowledges this historical occasion and extends its best wishes to the people of Pocahontas County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the County Commission of Pocahontas County.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 621 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4, and §47-11E-5 of the Code of West Virginia, as amended, all relating to covenants not to compete between physicians, physician assistants, or advanced practice registered nurses and employers; defining terms; setting forth prohibition against contract terms; providing for enforceability of other contract terms; providing for exemptions; and setting forth an effective date.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the eighth order of business.

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

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. 466) 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 475, Dedicating certain fees collected by Division of Labor to General Revenue Fund.

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

Pending extended discussion and a point of inquiry to the President,

The question being “Shall Engrossed Committee Substitute for Senate Bill 475 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Baldwin, Beach, Caputo, Hamilton, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, Stollings, Stover, Unger, and Woelfel—13.

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. 475) 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 517, Relating to sunset provisions of legislative rules.

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. 517) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, 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. 517) takes effect from passage.

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

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

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 H. B. 2001) passed.

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

Eng. Com. Sub. for House Bill 2001—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12m and §11-21-25; to amend said code by adding thereto a new section, designated §11-24-10a; to amend said code by adding thereto a new article, designated §18-30A-1, §18-30A-2, §18-30A-3, §18-30A-4, §18-30A-5, §18-30A-6, §18-30A-7, §18-30A-8, §18-30A-9, §18-30A-10, §18-30A-11, §18-30A-12,

§18-30A-13, §18-30A-14, §18-30A-15, and §18-30A-16, all relating generally to creating the West Virginia Jumpstart Savings Program; providing a short title; providing legislative findings; defining terms; requiring the program to be operable by a certain date; creating the West Virginia Jumpstart Savings Board; establishing requirements for board membership, appointment, and procedures; allowing board members to be reimbursed for reasonable expenses; establishing the powers of the board; authorizing the board to promulgate legislative rules; establishing the duties and powers of the Treasurer related to the program; establishing the Jumpstart Savings Trust and Trust Fund and requirements for said fund; establishing the Jumpstart Savings Expense Fund and establishing requirements for said fund; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; establishing requirements for opening a Jumpstart Savings account and making deposits to an account; authorizing the Treasurer to make a deposit into a newly opened Jumpstart Savings account when certain conditions are met; providing requirements for distributions from an account; specifying when a distributee is entitled to tax benefits; providing that a change in account beneficiary is not a distribution if the new beneficiary is a family member of the previous beneficiary; providing when expenditures of account distributions are qualified expenses; allowing a personal income tax decreasing modification for certain contributions to an account and allowing said modification to be carried forward over five years; allowing a personal income tax decreasing modification for distributions from an account used for qualified expenses; allowing a personal income tax decreasing modification for a rollover of distributions from a college savings account to a Jumpstart Savings account; allowing a personal income tax decreasing modification for a rollover of distributions from a Jumpstart Savings account to a West Virginia ABLE account; allowing a tax credit against personal income tax or corporate net income tax for certain matching contributions to accounts of employees; providing reporting and auditing requirements for the Jumpstart Savings Program; authorizing certain training and educational entities and employers to share information with the board and the Treasurer related to program participation; exempting certain personal information regarding program participants from disclosure under the state's Freedom of Information Act; limiting liability of the Treasurer, the board, and the state related to the program; and requiring the board to promulgate certain legislative rules.

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 314, Regulating pawnbrokers.

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

The Senate proceeded to the tenth order of business.

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

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

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

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

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

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

And,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Azinger, Ihlenfeld, and Lindsay.

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

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, and by unanimous consent, 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 senators were removed as co-sponsors of the following bill on March 9, 2021:

Senate Bill 594: Senators Caputo, Ihlenfeld, and Stollings.

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 9, 2021:

Senate Bill 346: Senator Jeffries;

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

Senate Bill 400: Senator Maroney;

Senate Bill 408: Senator Maroney;

Senate Bill 489: Senator Jeffries;

Senate Bill 512: Senator Hamilton;

Senate Bill 599: Senators Woelfel and Maroney;

Senate Bill 602: Senator Clements;

Senate Joint Resolution 1: Senator Maroney;

Senate Joint Resolution 3: Senator Maroney;

Senate Joint Resolution 5: Senator Maroney;

Senate Joint Resolution 7: Senator Maroney;

Senate Joint Resolution 8: Senator Maroney;

Senate Joint Resolution 11: Senator Maroney;

Senate Concurrent Resolution 10: Senator Maroney;

Senate Concurrent Resolution 12: Senator Maroney;

Senate Concurrent Resolution 19: Senators Stollings, Jeffries, and Maroney;

Senate Concurrent Resolution 20: Senators Stollings and Maroney;

And,

Senate Concurrent Resolution 21: Senator Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:06 p.m., the Senate adjourned until tomorrow, Thursday, March 11, 2021, at 11 a.m.

SENATE CALENDAR

**Thursday, March 11, 2021
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 22 - Raymond Jarrell, Jr., Memorial Road
- S. R. 16 - Amending Senate Rule 14 relating to introduction of concurrent resolutions
- S. R. 18 - Congratulating Pocahontas County on its bicentennial

THIRD READING

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

SECOND 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)

FIRST READING

- Com. Sub. for S. B. 346 - Authorizing DMV use electronic means when providing notice for licensees and vehicle owners
- Com. Sub. for S. B. 472 - Updating criteria for regulating certain occupations and professions (original similar to HB2909)
- S. B. 523 - Correcting improper code references
- S. B. 529 - Correcting improper citation relating to DMV registration
- S. B. 621 - Relating to non-compete covenants between certain health care practitioners
- Eng. Com. Sub. for H. B. 2006 - Relating to the West Virginia Contractor Licensing Act - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2011 - Eliminating any time requirements for part time personnel to work during a working year - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2263 - Update the regulation of pharmacy benefit managers - (Com. amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2021

Thursday, March 11, 2021

9:30 a.m.

Finance

(Room 451M)